

## NMI JUDICIAL COUNCIL

Minutes of Meeting  
Wednesday, April 9, 2014, 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, Presiding Judge Robert C. Naraja, and Associate Judge David A. Wiseman

Non-voting Members: Acting Director of Courts Sonia A. Camacho, Budget and Finance Director Juan Diego V. Tenorio, 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, Budget & Finance Director JD Tenorio, and NMI Bar Association President Maya Kara (arrived 2:38 p.m.)

Staff: Legal Secretary Martha B. Mendiola, Human Resource Officer Michelle V. Guerrero, Systems Administrator Michael Villacrusis, Chief Probation Officer Ursula Lifoifoi-Aldan, FCD Manager Joseph Kevin Villagomez, Accountant Evelyn Calvo, Building Superintendent Gerald E. Weaver, and Administrative Officer Jim Stowell

### Not Present:

None.

### 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 2:22 p.m. on Wednesday, April 9, 2014.

*Roll Call and Establishment of Quorum.* A quorum was established with five voting members present.

*Adoption of Previous Meeting Minutes.* No meeting minutes were prepared for adoption.

*Adoption of Agenda.* CJ Castro opened the floor for review and adoption of the April 9, 2014, meeting agenda. AJ Inos moved to adopt the agenda, and PJ Naraja and AJ Wiseman seconded. Without opposition, the motion was carried.

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

*February 26, 2014 Notice of Violation for CNMI Judicial Complex from the Office of the Governor's Bureau of Environmental and Coastal Quality.* The letter addressed to Building Superintendent Gerald Weaver listed three violations of the judiciary's underground storage tank and suggestive actions needed to correct the problems.

*March 20, 2014 Letter Re Corrective Actions Taken from the Office of the Governor's Bureau of Environmental and Coastal Quality.* In a letter addressed to Deputy Director Camacho, Administrator Frank Rabauliman recognized the judiciary's actions in correcting the two of its three deficiencies. He added that additional time will be allowed for the third deficiency to be corrected. Estimated costs to correct the third deficiency, is approximately \$18,000-\$19,000.

#### 3. Communication from Other Entities

*March 4, 2014 Letter from Associate Judge Joseph N. Camacho.* In a letter addressed to the members of the Judicial Council, Judge Camacho expressed concerns about the lack of advancement opportunity for law clerks in the Superior Court. To address the problem, he, along with the other judges, suggest the judiciary provide a gradual salary and annual leave increase.

4. NMI Bar Association

*Attorney List for Court Appointed Counsel.* Through Bar President Kara, members of the bar would like to see transparency on how attorneys are chosen for Court Appointed Counsel. Some members have noticed that certain attorneys are burdened more than others. PJ Naraja stated that he would look into it. Bar President Kara added that the attorneys list should include government attorneys.

*Conflicts Counsel.* The Bar is ready to move forward with the Conflicts Counsel, but needs the judiciary's commitment. Since the Conflicts Counsel was not included in FY2015 Budget, the judiciary is looking for funding through the Abandoned Funds Act.

*Civil Procedure Rules of Practice – Rule 16.* Dormant cases have been assigned to judges. If no action is taken after 30 days, the cases will be dismissed.

5. Budget and Finance Director's Report.

For informational purposes, Budget and Finance Director Tenorio gave a power point presentation on the judiciary's financial status. Copies of his presentation were distributed to Council members.

*Fund Status for FY 2014.* The judiciary has managed to stay within its limited budget for both personnel and operational accounts.

*FY 2015: Fund April 1, 2014 Governor's Proposal for the Judiciary.* The judiciary's budget submission to OMB asked for \$6.7M. In the Governor's Proposal submitted to the Legislature, the amount requested for the judiciary was \$4.526M and 79 Full Time Employees (FTEs).

The judiciary is actively looking for resources elsewhere – i.e. grants. A meeting with Mr. Juan Diego of Guam is scheduled for April 24, 2014.

*Administrative Service Unit Quarterly Report.* Budget & Finance Director Tenorio provided his quarterly report to the Council. To date, the Judiciary Building Fund Loan has a balance of \$4.9M. Monthly payment to the Retirement Fund for the building loan should be \$120,000, but the judiciary's monthly collection is \$66,000. Payments remitted to the Retirement Fund barely cover the interest from the loan, so the principal loan is not being paid.

6. Reports

*Clerk of Court for the Supreme Court.* COC Ogo provided her quarterly report to the Council. Council members did not have any questions regarding her report or the Clerk of Supreme Court's Office.

*Clerk of Court for the Superior Court.* With the resignation of Glenn Maratita on Rota and Michelle Atalig currently on personal leave, Daisy Mendiola has been stationed on Rota until Ms. Atalig's return. COC Diaz will connect with Human Resource Guerrero to announce the vacancy of a Deputy Clerk on Rota.

*Family Court Division.* Family Court Manager Villagomez provided his quarterly report to the Council. Council members did not have any questions regarding his report or the Family Court Division.

*Office of the Commonwealth Recorder.* Acting Recorder Jim Stowell provided his quarterly report to the Council. Council members did not have any questions regarding his report or the Office of the Commonwealth Recorder.

*Office of Adult Probation Supervision.* Chief Probation Officer Ursula Lifoifoi-Aldan provided her quarterly report to the Council. Council members did not have any questions regarding her report or the Office of Adult Probation.

*Marshal Service Division.* With the resignation of one marshal, the Office of Adult Probation and the Department of Public Safety has been assisting the Marshal Service Division with courthouse security. The Commissioner of DPS has requested a meeting with the judiciary regarding security.

*Information Systems Unit.* According to Systems Administrator Villacrusis, GoDaddy's website was recently attacked. It has caused problems with the judiciary's emails – i.e. delays, emails not being sent, etc. Additionally, Rota Courthouse is equipped for video conferencing via Skype. TV monitors have been purchased for the Superior Court courtrooms.

*Building Maintenance Unit.* Building Superintendent Weaver provided his quarterly report to the Council. Regarding BECQ's citation, Building Superintendent Weaver has arranged for a contractor from Guam to assess the underground storage tank. BECQ granted a 90-day extension to correct the violation or until June 25, 2014. Upcoming projects include the Roof Coating and the Door Lock System.

~~*Marshal Service Division.*~~

*Human Resources Unit.* Human Resource Guerrero provided her quarterly report to the Council.

- CY 2014: Professional Development Schedule. The next PD is scheduled for June 20, 2014, to include the staff of Tinian and Rota. On June 21, 2014, there will be a judiciary picnic at the Aquarius Beach.

*Administrative Officer/PIO Report.*

Public Information Officer Stowell provided his quarterly report to the Council. Council members did not have any questions regarding his report, the status of the 2013 Annual Report and progress of the judiciary's new website.

- Status of CY 2013 Annual Report. Justice Manglona, Martha Mendiola, Joshua Hansen-King and Jim Stowell have been working on the 2013 Annual Report. A draft of the report was shown to the members. It has an e-magazine feel.
- Status of Judiciary's New Website Page. The judiciary's new website models university websites. Improvements have been made and will continue to be made. The website address will remain [www.justice.gov.mp](http://www.justice.gov.mp).

7. Law Revision Commission

LRC Director Stanker provided his quarterly report to the Council. The Hilbloom Law Library sign has been removed. The new sign reads "Law Revision Commission."

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

None.

9. Unfinished Business

*COOP Plan (adopted July 2013).* A meeting was held on April 2, 2014. Managers were instructed to submit their updated contact information to Nora Borja. The next meeting is scheduled for July 2014. Chief Probation Officer Lifoifoi-Aldan is coordinating a drill to occur in June 2014.

*NCSC 2008 Report: Strategic Plan and Time Standards for CNMI Judicial Branch.* Supreme Court has completed its timeline. The Superior Court's timeline is currently pending.

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

*Proposed Policy for Marshal Service Division – Weapons, Armory and Use.* Legal Counsel Stanker and Chief Probation Officer Lifoifoi-Aldan were instructed to review the policy that was written by former Clerk of Court Jennifer Dockter.

10. New Business

*Proposed Policy for Drug-Free Workplace.* One of the judiciary's goals is to implement its own drug testing. In order for that to happen, the judiciary has to have a policy in place. The draft policy mirrors that of the Office of Personnel Management.

AJ Manglona moved to adopt the policy, and AJ Wiseman seconded. Without opposition, the policy was adopted.

*Managers' Request to Meet with the Chief Justice and Presiding Judge.* The judiciary holds a monthly Manager's Meeting. The managers welcome the Chief Justice and Presiding Judge to attend the meetings.

#### 11. Other Business

AJ Wiseman moved to designate Patrick V. Diaz as the Commonwealth Judiciary Designee for the Abandoned Funds Act. PJ Naraja seconded, and without opposition, the motion was carried.

#### 12. Announcements

*Pacific Judicial Council – 2014 Schedule.*

- PJC Public Defender's Conference – February 26-28, 2014.
- PJC Juvenile Justice Conference – Guam, May 5-8, 2014.
- PJC Executive Committee Meeting – Yap, September 2014.
- PJC DUI/Substance Abuse Conference – November 17-20, 2014.

*25th Anniversary Activities.* The Law Day Proclamation Signing is scheduled for Friday, April 25, 2014, at 10:00 a.m. A calendar of events was given to each member.

The Judicial Council moved into Executive Session at 4:07 p.m. on April 9, 2014. AJ Wiseman moved to convene in regular session, and PJ Naraja seconded. Without opposition, the Council reconvened in regular session at 4:14 p.m. on April 9, 2014.

#### 13. Adjournment

AJ Manglona moved to adjourn the regular business meeting, and PJ Naraja seconded. The motion was carried, and the Council adjourned on Wednesday, April 9, 2014, at 4:15 p.m.

Minutes submitted by: Martha B. Mendiola, Legal Secretary

Approved by: Alexandro C. Castro, Chief Justice