



# JUDICIARY OF GUAM

Administrative Office of the Courts  
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F. PHILIP CARBULLIDO  
 Chief Justice

ALBERTO C. LAMORENA III  
 Presiding Judge

PERRY C. TAITANO  
 Administrator of the Courts

May 23, 2005

The Honorable Senator Edward J.B. Calvo  
 Chairman  
 Committee on Finance, Taxation & Commerce  
 I Mina'Bente Ocho Na Liheslaturan Guåhan  
 The Twenty-Eighth Guam Legislature  
 155 Hesler Place  
 Hagåtña, Guam 96910

Dear Senator Calvo:

As requested by you and legislators during May 17, 2005 public hearing on the Judiciary's Fiscal Year 2006 operational budget request and as a reply to your May 20, 2005 memorandum, the following information and accompanying attachments are being provided for your edification:

- 1) Night Differential---the requested amount of \$33,202 for Fiscal Year 2006 as articulated on page 4 of the Budget Summary is to be reduced by \$28,000 as offered by the Chief Justice.
- 2) Hazardous Duty Pay---a comprehensive policy review is being undertaken by my office to insure compliance with Public law 20-132.
- 3) Public Law 27-5---the statutorily mandated 180-day performance requirement of Judges and Justices is being developed comprehensively. Internally, we are now tracking outstanding cases and will be generating reports in the near future. Further, we are now systematically distributing caseloads in a fair and random manner with the recent adoption and implementation of a new random case assignment program and procedure. As noted by the Chief Justice, a Judicial Council policy is being developed to ensure compliance with the intent of Public Law 27-5 and to provide expedited, yet deliberate issuance of decision, orders, judgments and opinions.
- 4) External and Internal Lease Payments----as publicly noted on several occasions, we no longer are requesting funds for external lease payments to accommodate the operations for Child Support, Client Services, the Public Guardian and the Ethics Prosecutor. However, we are requesting continued lease monies of \$28,800.00 - \$30,000.00 for off-site record storage. We have court records dating back to the 1940's and need ample space to warehouse such records.

As for internal lease payments, we are receiving \$150,000.00 annually from the Public Defender's Office. Such rental income is required under the terms of the loan covenant between the Judicial Council of Guam and the Farmer's Home Administration. These monies are required to be deposited in the Judicial Building Fund and a portion of those monies (\$102,000.00) have been approved to be earmarked for leasing a parking facility for court patrons.

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- 5) Attached is current data and information pertaining to the Judicial Building Fund: Present balance of the note and income generated. **Exhibit 1**
- 6) Attached is data and information pertaining to all other funds under the stewardship of the Judiciary. **Exhibit 2**
- 7) Mental Health Courts---presently, Justice Frances Tydingco-Gatewood and Judge Anita Sukola are co-chairing the development and creation of this therapeutic court in conjunction with the Department of Mental Health and Substance Abuse and other officials. Federal support and backing is being pursued for this endeavor.
- 8) Attached is the detailed breakdown by object category of the \$245,000 in increases outside of personnel salaries and benefits. **Exhibit 3**
- 9) Compiler Publication Charges---for reiteration and clarification, please note that neither any legislator nor any department/agency will have to incur any charge for the updated codes, laws, rules and regulations that will be printed. Such initial publication is required to be distributed at no charge to the aforementioned. Further, the Compiler's website will also be accessible to all at all times with updates.
- 10) Judicial Building Fund joint usage with Guam Police Department--proposal to share Judicial Building Funds (JBF) require statutory approval.
- 11) Trial Court Judges Salary Raises---as noted in the budget hearing, the trial court Judges have not had salaries adjusted for nearly 14 years. This request is only for the 6 trial court Judges and not the Chief Justice, the two Associate Justices and the Superior Court Presiding Judge. Aside from having to handle over 10,000 cases annually and seeing government and private attorneys pass them in remuneration, I refer to a copy of the National Center for State Courts survey of judicial salaries within the submitted budget package to provide additional rhyme and reason for the request.
- 12) Leased parking lot---attached is a copy of the agreement between the judiciary and the private concern that is financing and developing the parking lot that we will be leasing for the benefit of court patrons. **Exhibit 4**
- 13) Training resources---as noted during the budget hearing, we did not submit the wish list of resources we would like because the Judicial Council wanted to maintain a status quo budget. We will make due with the resources requested and will ensure that all personnel receive proper training to fulfill their day-to-day responsibilities.
- 14) Photocopier Expenses---a consolidation of all photocopier contracts will take place once agreements expire. We have received indications that costs will be reduced, however, such contracts spillover beyond the beginning of the fiscal year. We will be exploring possibility of lease-to-own arrangements rather than the straight lease agreements and will determine most beneficial path to take.

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- 15) Military Leave Impact---attached is a copy of our policy and training materials for administrators to ensure that impact is not adverse to the overall operations of the Judiciary. **Exhibit 5**
- 16) Attorney Salary Increases---please note Public Law 27-106 which mandated that salary increases be provided. To ensure compliance, a total of 8 attorneys in the judiciary have been accorded the increases.
- 17) Annual Dues Increase---when we submitted our Fiscal year 2005 operational budget request, we inadvertently left out the annual dues for membership and services from the National Center for State Courts. The amount of \$21,104.00 is required and we note that this organization is presently assisting us with a comprehensive reorganization effort of our branch to ensure that all resources are properly allocated for greater efficiency. Further, we expect our Judiciary to be a model system as a result. **Exhibit 6**
- 18) Drug Court Fees---please note that adult participants in this program pay \$500.00 to cover costs for testing, education materials etc.
- 19) Marshals Uniforms---All Marshals have been fitted for uniforms.
- 20) May 20, 2005 Memorandum request--Financial Data. **Exhibit 7**
- 21) May 23, 2005 Memorandum request-- Hero Scholarship Program Fund. **Exhibit 8**
- 22) May 23, 2005 Memorandum request--expiring federal funds because need to continue program through local funding. **(See original budget submission)**
- 23) May 23, 2005 Memorandum request--**See Number 11**; Funding to cover six (6) Trial Court Judges from General Fund Appropriations in Fiscal Year 2006. **(See original budget submission)**

I hope these responses to the issues raised assist you and your colleagues who were in attendance. If you should have further inquiries, please contact me at 475-3544.

Sincerely,



PERRY C. TAITANO  
Administrator of the Courts

**Attachments**

cc: The Honorable Senator Robert Klitzkie  
The Honorable Senator Ray Tenorio  
The Honorable Senator Adolpho B. Palacios, Sr.  
The Honorable Senator Benjamin J.F. Cruz