



Judiciary of Guam

ADMINISTRATIVE OFFICE OF THE COURTS
120 WEST O'BRIEN DRIVE, HAGÅTÑA, GUAM 96910-5174
TEL: (671) 475-3544 / 477-3184



F. PHILIP CARBULLIDO
CHIEF JUSTICE

June 20, 2006

PERRY C. TAITANO
ADMINISTRATOR OF THE COURTS

Ms. Lourdes M. Perez
Director
Department of Administration
P.O. Box 884
Hagåtña, Guam 96932

Hafa Adai Ms. Perez:

As the Administrator of a separate, co-equal branch of our island government that is constitutionally and organically required to serve the public, I write you no longer respectfully requesting, but rather demanding the immediate release of allotment monies due to the Judiciary for operations.

As of today, for Fiscal Year 2006, the Judiciary has been shortchanged \$2,462,123.50 on its due allotments for general operations, adult and juvenile drug courts, and court appointed legal services. For Fiscal Year 2004, there is a \$175,000 allotment balance due to the Judiciary.

Despite repeated efforts, assurances, pledges and promises (see enclosed correspondence), the Judiciary is in the same hole as it was in when we first brought this issue to your attention. It is apparent that the Administration is either unwilling to release funds due or impervious to the Judiciary's role as a co-equal branch of the government, equally mandated as the executive branch, to fulfill its lawful obligations.

With nearly three-quarters of Fiscal Year 2006 completed (not to mention outstanding balances from previous fiscal years), the Judiciary has no other recourse but to firmly demand one last time the immediate release of the aforementioned balances.

Further, to avert and avoid the jeopardy of judicial services, we are requesting that all future allotment releases due to the Judiciary be consistently and fully released.

This communication shall serve as the last administrative request. Subsequent communications, if required, shall be through judicial action in which the court may invoke its inherent authority (federally and locally), as well as through its implied and expressed powers, to cause the release of funds for judicial operations.

Sincerely,

PERRY C. TAITANO
Administrator of the Courts

Enclosures

cc: Chief Justice F. Philip Carbullido
The Honorable Speaker Mark Forbes
The Honorable Senator Edward J.B. Calvo
The Honorable Senator Robert Klitzkie



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Mr. George Bamba
Senior Advisor to the Governor
Office of the Governor of Guam
Ricardo J. Bordallo Governor's Complex, Adelup
P.O. Box 2950
Hagåtña, Guam 96932

Hafa Adai Mr. Bamba:

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Director
Bureau of Budget Management & Research (BBMR)
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FY2006
Judiciary of Guam
Budget/Allotment Schedule as of June 16, 2006

PL28-68	20,049,011	Judiciary Operation
PL28-68	264,014	Adult Drug Courts
PL28-68	244,964	Juvenile Drug Courts
PL28-68	700,000	Court Appointed/Client Services Fund

Total Budget 21,257,989

	Allotment Schedule	Cash Collections	Allotment Collections
1 October	1,813,167.00	-	1,813,167.00
2 November	1,813,167.00	1,670,751.00	142,416.00
3 December	1,813,166.00	1,800,000.00	13,166.00
4 January	1,813,166.00	1,075,786.50	737,379.50
5 February	1,813,166.00	1,911,126.50	(97,960.50)
6 March	1,813,166.00	1,615,205.50	197,960.50
7 April	1,813,166.00	2,606,126.50	(792,960.50)
8 May	1,713,166.00	1,835,375.50	(122,209.50)
9 June	1,713,165.00	1,142,000.00	571,165.00
10 July	1,713,165.00		
11 August	1,713,165.00		
12 September	1,713,164.00		
Total	<u>21,257,989</u>	13,656,371.50	<u>2,462,123.50</u> ✓

Cash Receipt Breakdown:

11/4/2005	3,626,334.00	835,375.50	2,790,958.50
11/18/2005	2,790,958.50	835,375.50	1,955,583.00
12/16/2005	3,768,749.00	400,000.00	3,368,749.00
12/30/2005	3,368,749.00	400,000.00	2,968,749.00
12/30/2005	2,968,749.00	1,000,000.00	1,968,749.00
1/18/2006	3,781,915.00	485,101.75	3,296,813.25
1/25/2006	3,296,813.25	590,684.75	2,706,128.50
2/10/2006	4,519,294.50	911,126.50	3,608,168.00
2/24/2006	3,608,168.00	1,000,000.00	2,608,168.00
3/16/2006	4,421,334.00	1,615,205.50	2,806,128.50
4/21/2006	4,619,294.50	2,606,126.50	2,013,168.00
5/5/2006	3,726,334.00	1,000,000.00	2,726,334.00
5/19/2006	2,726,334.00	835,375.50	1,890,958.50
6/2/2006	3,604,123.50	642,000.00	2,962,123.50
6/16/2006	2,962,123.50	500,000.00	2,462,123.50
Total		<u>13,656,371.50</u>	

Breakdown of Outstanding	Allotment	Collections	Balance
Judiciary Operation	15,036,759.00	12,959,466.50	2,077,292.50
Adult Drug Courts	198,012.00	154,010.00	44,000.00
Juvenile Drug Courts	183,726.00	142,895.00	40,831.00
Client Services Fund	700,000.00	400,000.00	300,000.00
Total	<u>16,118,497.00</u>	<u>13,656,371.50</u>	<u>2,462,123.50</u> ✓

FY2005
Judiciary of Guam
Budget/Allotment Schedule as of February 9, 2006

PL27-146	75,000	Compiler of Laws
PL27-106	18,101,242	Judiciary Operation
PL27-107	442,460	Drug Courts (220,857/221,603)ad/jv
PL27-107	700,000	Court Appointed/Client Services Fund

Total Budget 19,318,702


	Allotment Schedule	Cash Collections	Allotment Balance Due
1 October	1,645,309.00	660,650.50	984,658.50
2 November	1,645,309.00	984,658.50	660,650.50
3 December	1,645,309.00	2,075,519.50	(430,210.50)
4 January	1,720,309.00	1,508,437.00	211,872.00
5 February	1,645,309.00	1,318,640.50	326,668.50
6 March	1,645,309.00	1,516,767.00	128,542.00
7 April	1,645,309.00	1,545,309.00	100,000.00
8 May	1,545,309.00	1,719,053.00	(173,744.00)
9 June	1,545,309.00	960,000.00	585,309.00
10 July	1,545,309.00	2,093,746.00	(548,437.00)
11 August	1,545,309.00	1,782,181.00	(236,872.00)
12 September	1,545,303.00	1,508,437.00	36,866.00
13 October		1,608,435.00	(1,608,435.00)
14 January (1/26/06)		36,868.00	(36,868.00)
Total	19,318,702	19,318,702.00	-

Cash Receipt Breakdown:

10/27/2004	1,645,309.00	660,650.50	984,658.50
11/8/2004	2,629,967.50	324,012.00	2,305,955.50
11/19/2004	2,305,955.50	660,646.50	1,645,309.00
12/6/2004	3,290,618.00	660,650.50	2,629,967.50
12/17/2004	2,629,967.50	660,650.50	1,969,317.00
12/30/2004	1,969,317.00	754,218.50	1,215,098.50
1/14/2005	2,860,407.50	754,218.50	2,181,189.00
1/21/2005	2,181,189.00	-	2,181,189.00
1/28/2005	2,181,189.00	754,218.50	1,426,970.50
2/1/2005	3,072,279.50	754,218.50	2,318,061.00
2/25/2005	2,318,061.00	564,422.00	1,753,639.00
3/11/2005	3,398,948.00	762,548.50	2,636,399.50
3/25/2005	2,636,399.50	754,218.50	1,882,181.00
4/8/2005	3,527,490.00	754,218.50	2,773,271.50
4/22/2005	2,773,271.50	791,090.50	1,982,181.00
5/6/2005	3,527,490.00	927,962.50	2,599,527.50
5/20/2005	2,599,527.50	341,000.00	2,258,527.50
5/25/2005	2,258,527.50	450,090.50	1,808,437.00
6/17/2005	3,353,746.00	660,000.00	2,693,746.00
6/22/2005	2,693,746.00	300,000.00	2,393,746.00
7/1/2005	3,939,055.00	585,309.00	3,353,746.00
7/14/2005	3,353,746.00	754,218.50	2,599,527.50
7/29/2005	2,599,527.50	754,218.50	1,845,309.00
8/12/2005	3,390,618.00	754,218.50	2,636,399.50
8/26/2005	2,636,399.50	1,027,962.50	1,608,437.00
9/9/2005	3,153,740.00	754,218.50	2,399,521.50
9/23/2005	2,399,521.50	754,218.50	1,645,303.00
10/7/2005	1,645,303.00	754,217.50	891,085.50
10/21/2005	891,085.50	854,217.50	36,868.00
1/27/2006	36,868.00	36,868.00	-
Total		19,318,702.00	

Breakdown of Outstanding	Allotment	Collections	Balance
Judiciary Operation	18,101,242.00	18,101,242.00	-
Drug Courts Adult	220,857.00	220,857.00	-
Drug Courts Juvenile	221,603.00	221,603.00	-
Compiler of Laws	75,000.00	75,000.00	-
Client Services Fund	700,000.00	700,000.00	-
Total	19,318,702.00	19,318,702.00	-

FY2004
Superior Court of Guam
Budget/Allotment Schedule as of September 30, 2005

PL27-29	15,855,608		
PL27-29 override courtappointed	700,000		
Allotment Adjustment	16,555,608		
	Allotment	Cash	Allotment
	Schedule	Collections	Balance Due
1 October	1,421,301	300,000.00	1,121,301.00
2 November	1,421,301		1,421,301.00
3 December	1,421,301	600,000.00	821,301.00
4 January	1,421,301	1,800,000.00	(378,699.00)
5 February	1,421,301	2,200,000.00	(778,699.00)
6 March	1,421,301	1,706,505.00	(285,204.00)
7 April	1,421,301	1,671,301.00	(250,000.00)
8 May	1,321,301	1,321,301.00	-
9 June	1,321,301	1,321,301.00	-
10 July	1,321,301	1,981,951.50	(660,650.50)
11 August	1,321,301	660,650.50	660,650.50
12 September	1,321,297	1,981,951.50	(660,654.50)
13 FY05	-	835,646.50	(835,646.50)
Total	16,555,608	16,380,608.00	175,000.00 
detail collections	dates	amounts	balance
	10/10/2003	300,000.00	1,121,301.00
	12/19/2003	600,000.00	3,363,903.00
	1/2/2004	600,000.00	4,185,204.00
	1/22/2004	600,000.00	3,585,204.00
	1/30/2004	600,000.00	2,985,204.00
	2/9/2004	1,000,000.00	3,406,505.00
	2/13/2004	600,000.00	2,806,505.00
	2/27/2004	600,000.00	2,206,505.00
	3/5/2004	500,000.00	3,127,806.00
	3/12/2004	600,000.00	2,527,806.00
	3/3/2004	606,505.00	1,921,301.00
	4/9/2004	1,010,650.50	2,331,951.50
	4/23/2004	660,650.50	1,671,301.00
	5/7/2004	660,650.50	2,331,951.50
	5/21/2004	660,650.50	1,671,301.00
	6/4/2004	660,650.50	2,331,951.50
	6/18/2004	660,650.50	1,671,301.00
	7/2/2004	660,650.50	2,331,951.50
	7/16/2004	660,650.50	1,671,301.00
	7/30/2004	660,650.50	1,010,650.50
	8/17/2004	660,650.50	1,671,301.00
	9/2/2004	660,650.50	2,331,947.50
	9/22/2004	660,650.50	1,671,297.00
	9/24/2004	660,650.50	1,010,646.50
	10/8/2004	660,646.50	350,000.00
	1/21/2005	175,000.00	175,000.00

Total

16,380,608.00

breakdown:

Client Services Fund

 175,000.00



F. PHILIP CARBULLIDO
Chief Justice

JUDICIARY OF GUAM

Administrative Office of the Courts
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PERRY C. TAITANO
Administrator of the Courts

ALBERTO C. LAMORENA III
Presiding Judge

February 14, 2006

Ms. Lourdes M. Perez
Director
Department of Administration
P.O. Box 884
Hagåtña, Guam 96932

Hafa Adai Ms. Perez:

First, I want to thank you for taking the time to meet with me and court officials last week to discuss the issue of tardy, delinquent allotment releases hampering the operations of the Judicial Branch.

I hope you can understand and appreciate how dissimilar the Judicial Branch, as a separate, co-equal branch of government with constitutionally required mandates, is from other government entities.

To ensure that there is no misunderstanding or ambiguity resulting from the mutual agreement we arrived at to resolve the allotment releases, I am writing to memorialize our discussion.

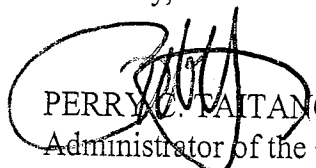
This past Friday, February 10, 2006, the Administration had made good on its promise to release approximately \$900,000 to the Judiciary. We are appreciative of that.

We look forward to the proffered release of an additional \$1.1 million by February 24, 2006. Your commitment in this regard, is to make every effort not to exceed a month's delay per the Allotment Schedule. Further, we are pleased that you have pledged to be completely current with our allotment schedule, inclusive of past due balances, by the end of April 2006.

Again, thank you for your attention.

I am available if you should have any inquiries or questions.

Sincerely,


PERRY C. TAITANO
Administrator of the Courts

cc: Chief Justice F. Philip Carbullido
Members, Judicial Council
Controller



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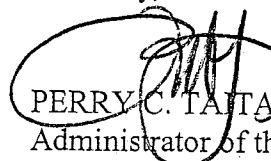
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PERRY C. TAITANO
Administrator of the Courts

ALBERTO C. LAMORENA III
Presiding Judge

January 31, 2006

Ms. Lourdes M. Perez
Director
Department of Administration
P.O. Box 884
Hagåtña, Guam 96932

RE: RELEASE OF ALLOTMENTS

Dear Ms. Perez:

Last month, I wrote a very clear letter articulating the Judiciary's serious concerns with the inadequate and erratic release of allotments for our operations. Since then, no significant steps or measures have been taken by the Department of Administration to rectify or resolve the issue.

Without belaboring the point, such inactivity has aggravated and adversely affected our ability and capacity to properly function and fulfill mandates. In order to prevent the cessation of services which we are required to perform, we simply need the funds appropriated and due to us now.

Uncertain if there is an inability to distribute funds due to us or if we are merely being disregarded, I am compelled, nevertheless to demand release of funds for the Judiciary.

Enclosed you will find a copy of our Fiscal Year 2006 Budget/Allotment Schedule as of January 27, 2006. You will note that there is an outstanding balance of over \$2.7 million.

On behalf of the Judiciary of Guam, a separate, independent and co-equal branch of government that has inherent authority, as well as expressed and implied powers, to cause the release of funds for our operations, I am once again respectfully requesting the immediate release of past due and current allotment monies.

Sincerely,


PERRY C. TAITANO
Administrator of the Courts

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Budget/Allotment Schedule as of January 27, 2006

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12/30/2005	3,368,749.00	400,000.00	2,968,749.00
12/30/2005	2,968,749.00	1,000,000.00	1,968,749.00
1/18/2006	3,781,915.00	485,101.75	3,296,813.25
1/25/2006	3,296,813.25	590,684.75	2,706,128.50

Total

4,546,537.50

Breakdown of Outstanding	Allotment	Collections	Balance
Judiciary Operation	6,683,004.00	4,176,877.50	2,506,126.50
Adult Drug Courts	88,006.00	88,006.00	-
Juvenile Drug Courts	81,656.00	81,654.00	2.00
Client Services Fund	400,000.00	200,000.00	200,000.00
Total	7,252,666.00	4,546,537.50	2,706,128.50

FY2004

Superior Court of Guam

Budget/Allotment Schedule as of January 25, 2006

PL27-29 15,855,608
 PL27-29 override courtappointed 700,000
 Allotment Adjustment 16,555,608

	Allotment Schedule	Cash Collections	Allotment Balance Due
1 October	1,421,301	300,000.00	1,121,301.00
2 November	1,421,301		1,421,301.00
3 December	1,421,301	600,000.00	821,301.00
4 January	1,421,301	1,800,000.00	(378,699.00)
5 February	1,421,301	2,200,000.00	(778,699.00)
6 March	1,421,301	1,706,505.00	(285,204.00)
7 April	1,421,301	1,671,301.00	(250,000.00)
8 May	1,321,301	1,321,301.00	-
9 June	1,321,301	1,321,301.00	-
10 July	1,321,301	1,981,951.50	(660,650.50)
11 August	1,321,301	660,650.50	660,650.50
12 September	1,321,297	1,981,951.50	(660,654.50)
13 FY05	-	835,646.50	(835,646.50)
13 FY06 (1/25/6)	-	75,000.00	(75,000.00)

Total**16,555,608****16,455,608.00****100,000.00**

detail collections

dates

amounts

balance

10/10/2003	300,000.00	1,121,301.00
12/19/2003	600,000.00	3,363,903.00
1/2/2004	600,000.00	4,185,204.00
1/22/2004	600,000.00	3,585,204.00
1/30/2004	600,000.00	2,985,204.00
2/9/2004	1,000,000.00	3,406,505.00
2/13/2004	600,000.00	2,806,505.00
2/27/2004	600,000.00	2,206,505.00
3/5/2004	500,000.00	3,127,806.00
3/12/2004	600,000.00	2,527,806.00
3/3/2004	606,505.00	1,921,301.00
4/9/2004	1,010,650.50	2,331,951.50
4/23/2004	660,650.50	1,671,301.00
5/7/2004	660,650.50	2,331,951.50
5/21/2004	660,650.50	1,671,301.00
6/4/2004	660,650.50	2,331,951.50
6/18/2004	660,650.50	1,671,301.00
7/2/2004	660,650.50	2,331,951.50
7/16/2004	660,650.50	1,671,301.00
7/30/2004	660,650.50	1,010,650.50
8/17/2004	660,650.50	1,671,301.00
9/2/2004	660,650.50	2,331,947.50
9/22/2004	660,650.50	1,671,297.00
9/24/2004	660,650.50	1,010,646.50
10/8/2004	660,646.50	350,000.00
1/21/2005	175,000.00	175,000.00
1/26/2006	75,000.00	100,000.00

Total

16,455,608.00

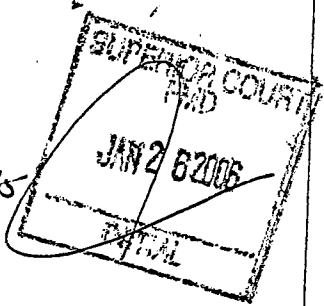
breakdown

Client Services Fund

THIS CHECK IS IN PAYMENT FOR:


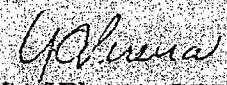
GENERAL FUND ACCOUNT

No. 010282

OUR ORDER NUMBER	YOUR INVOICE NUMBER	ACCOUNT NUMBER	AMOUNT
REMARKS: SEE ATTACHMENT acct # 31050001			
Remarks: (A) JAN'06 F/A ADC - \$22,002 (B) JAN'06 F/A JDC - \$20,410 (C) F/R PPE 12-10-05 ALLOTMENT \$548,272.75 (D) Mar'04 CT APPT - \$25,000 (E) Apr'04 CT APPT - \$50,000 (F) ADC - \$36,868			

DETACH BEFORE CASHING

GOVERNMENT OF GUAM
HAGATNA, GUAM 0102826

101-511/214 BANK OF GUAM P.O. BOX 807 HAGATNA, GUAM 96932		GOVERNMENT OF GUAM HAGATNA, GUAM	CHECK NO. 010282
CHECK DATE 01 25 06 MO. DAY YR.		PAY EXACTLY *****702,552 DOLLARS AND 75 CENTS	CHECK AMOUNT 702,552.75
TO THE ORDER OF GUAM 120 WEST O'BRIEN DRIVE HAGATNA, GU 96910-0000		GENERAL FUND ACCOUNT  YASELA A. PEREIRA Treasurer of Guam 0102826	
VENDOR: 20100000 JUDICIARY OF GUAM		DATE: 01/25/06	

⑈0102826⑈ ⑆121405115⑆ 0601⑈024399⑈