

Adopted on February 12, 2020

NORTHERN MARIANA ISLANDS JUDICIAL COUNCIL

Minutes of Meeting

Wednesday, January 22, 2020, 2:30 p.m.

Courtroom 212B, Suite 212

Marianas Business Plaza

Present:

Voting Members: Chief Justice Alejandro C. Castro, Associate Justice John A. Manglona, and Associate Judge Teresa K. Kim-Tenorio

Non-voting Members: Director of Courts Sonia A. Camacho, Clerk of the Supreme Court Gretchen A. Smith, Clerk of the Superior Court Patrick V. Diaz, General Counsel & LRC Director Hyun Jae Lee, Budget and Finance Director John T. Villagomez, and NMI Bar Association Representative Maya Kara

Staff: Judicial Council Secretary Martha B. Mendiola, Special Assistant to the Presiding Judge Rochelle Vazquez, Human Resource/Administrative Officer Michelle V. Guerrero, FCD Manager Joseph Kevin Villagomez, Drug Court Manager Edward P. Diaz, Grants Administrator Jim W. Stowell, Chief Marshal Jason T. Tarkong, Acting Chief Probation Officer Simram Simram, Building Superintendent Gerald E. Weaver, Computer Specialist Jorale Mendoza, Deputy Marshal III Roemar S. Segotier, and Deputy Marshal Maria Tudela

Other Entities: Chief Prosecutor John Bradley (OAG) and Paralegal Lani Diaz (OAG)

Not Present:

Voting Members: Associate Justice Perry B. Inos and Presiding Judge Roberto C. Naraja

Non-voting Members: NMI Bar Association President Charity R. Hodson

Staff: Systems Administrator Michael C. Villacrusis (sick leave), Chief Marshal Jason T. Tarkong, Commonwealth Recorder Luise S. Deleon Guerrero (sick leave)

1. Preliminary Matters

Call to Order. Chief Justice Alejandro C. Castro called the meeting to order on Wednesday, January 22, 2020, at 2:43 pm.

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

Adoption of Agenda. Justice Manglona moved to adopt the January 22, 2020, agenda. Judge Kim-Tenorio seconded. Without opposition, the agenda was adopted.

2. Adoption of Meeting Minutes

December 11, 2019 Meeting. Judge Kim-Tenorio moved to adopt the December 11, 2019, meeting minutes. Justice Manglona seconded. Without opposition the motion was carried.

3. Communication from CNMI Government Entities

None.

4. Communication from Other Entities

None.

5. NMI Bar Association

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Bar Representative Kara informed the Council that Bar election is scheduled for February 20, 2020. She added that the number of members has decline. Currently, there are 283 members – active (on-island) is 114; active (off-island) is 86; and inactive is 103. This number also includes the government attorneys. Ms. Kara shared that the Bar has new website address: www.cnmibar.com.

Ms. Kara noted that the Bar bylaws remain pending with the Supreme Court, but the Bar will communicate directly with Clerk of the Supreme Court Gretchen Smith.

Lastly, Ms. Kara thanked the Judiciary for the Language Access Program Training that was held on January 14, 2020.

Justice Manglona informed Ms. Kara of the upcoming Pacific Judicial Council American College of Trial Lawyers Trial Practice Training, which will be held on January 27-29, 2020. This item was discussed in length under Item 16(a). Announcements – PJC ACTL.

6. Clerk of Court for the Supreme Court.

Clerk of Court Smith provided her written report to the Council.

The Supreme Court issued seven (7) opinions in the 4th quarter, held one oral argument, one received five new appeal cases.

The Clerk's Office obtained one CO-OP student who assisted with cross-checking the hard copies of case files with the online files on File&ServExpress. If there was a discrepancy, the hard file was rescanned and re-uploaded on File&ServExpress. She completed the years of 1989-1991. She completed this task within a matter of four (4) months.

Clerk of Court Smith is this year's CNMI High School Mock Trial Competition Coordinator. The competition is scheduled for February 27-28, 2020. It will be held at the United States District Court of the Northern Mariana Islands. She is also a member of the Attorney Generals Cup Speech Competition Steering Committee, Language Access Planning and Policy Committee, and the Pacific Judicial Council ACTL Training Planning Committee.

Clerk of Court Smith informed Ms. Kara that she is aware of the pending Bylaws before the Supreme Court and will address those matters directly with the Bar.

The Supreme Court is scheduled to hear three (3) oral arguments in the 1st quarter.

7. Clerk of Court for the Superior Court.

Clerk of Court Diaz provided his written report to the Council.

Clerk of Court Diaz proudly announced the improvements in the certification of cases that are on appeal. Currently, there is only one case pending for certification.

The 2020 General Calendar was issued in January 2020 by Acting Presiding Judge Kenneth L. Govendo. Per Clerk of Court Diaz noted that there were no significant changes except that the Rota and Tinian calendars have been rescheduled to Fridays. Rota cases will be heard the 1st and 4th Friday of the month. Tinian cases will be heard on the 2nd and 3rd Friday of the month.

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There continues to be improvement on the rotational scheduling of the courtrooms at the Marianas Business Plaza (9am and 10am in the morning and 1:30 pm and 2:30 pm in the afternoon).

The Document Retention and Relocation Project is ongoing. Two scanners and laptops were procured for the staff at the Centron Hustisia. The scanners and laptops were hand-carried by the Rota staff while they were on Saipan attending the Language Access Program Training on January 15-16, 2020. Four boxes of case files are scheduled to be sent to Rota on Friday, January 24, 2020, so that the scanning project can commence. The four boxes include 150 case files which have been inventoried and packed properly.

Clerk of Court Diaz reported that his office is understaffed. One staff is on emergency leave, another on medical referral leave, and one is no longer with the Judiciary effective January 17, 2020. He submitted his budget request to include the two FTEs that were lost last fiscal year because the positions were unfilled at the time the budget negotiations were being considered.

Clerk of Court Diaz shared that the Department of Public Safety continues to issue e-citations that are automatically uploaded to Justware. During May-July 2019, there were issues that arose with the software-late filings, missing information, etc. Those issues have since been resolved after conducting a thorough assessment.

Clerk of Court Diaz provided a summarization of the total 2019 case filings, court-appointed counsel, compact impact data (statistics in detail can be found in his report).

8. Budget and Finance Director's Report

Budget and Finance Director John T. Villagomez provided the Council with his power point presentation.

FY 2020. Budget and Finance Director reported that the Judiciary continues to spend conservatively in FY 2020. The current fund status as of January 21, 2020, is \$92,698.13.

The Judiciary received \$548,581 in its January allotment- a 16.115% increase from the first quarter.

On January 6, 2020, Governor Ralph DLG. Torres signed Public Law 21-16, amending the FY 2020 Budget to include funding for the Judiciary's health insurance and defined contribution plan. A total of \$613,000 will be added to the Judiciary's personnel budget, as well as an additional \$7,064 to account for the 1% OPA fee. This additional funding was not included in the January allotment. However, OMB confirmed it will be included in February.

Director of Courts Camacho pointed out that although the figures look healthy, the Judiciary only received \$100,000 for utilities. She added that the Law Revision Commission received \$10,000 for its utility costs.

FY 2021 Budget Call. Per Director of Courts Camacho, the division managers were given a budget call deadline of December 24, 2019. They submitted their requests and those numbers are included in the proposed figure for FY 2021.

Budget and Finance Director Villagomez stated that based on the division submissions and consultation with the Finance Committee, the Judiciary requests for FY 2021:

1. Personnel - \$7,522,985;
2. All Others - \$3,544,317; and
3. New FTEs - 42 (includes the positions that were lost in the FY 2020 budget).

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This brings the total Judiciary FY 2021 budget request to \$11,057,302 (140 FTEs). This request includes a 15% increase of the staff as recommended by the Finance Committee. Budget and Finance Director Villagomez recommended to the Council to approve a budget request not to exceed \$12M for FY 2021. Although the initial compilation is \$11M, he would like some leeway just in case any unforeseen projects arise. Currently, this request includes funding for the fire alarm sprinkler, pending FEMA projects and other building maintenance projects (elevator maintenance, etc.). Associate Judge Kenneth Govendo, in his capacity as Acting Presiding Judge at the time the budget calls were ongoing, strongly requested to include one position for the Driving Under the Influence Specialty Courts- in line with the Strategic Plan to implement at least two or three specialty courts before 2022.

Per Director of Courts, the final number will be reported at the next Judicial Council meeting, which is Wednesday, February 12, 2020. Submission deadline to the Legislature is February 28, 2020.

Judge Kim-Tenorio moved to set the budget limit for the Judiciary's FY 2021 budget request at \$12M. Associate Justice Manglona seconded. Without opposition, the motion was carried.

Alternate Source Agencies (Compact Impact, SJI, CJPA, USDA, SNBILD, BJA, FEMA). Grants Administrator Jim W. Stowell submitted an activity report to the Council members.

The Judiciary completed projects related to the interior and exterior electrical problems at the Guma' Hustisia, as well as the building's exterior pathway lights.

Grants Administrator Stowell stated the Council that Patrick Guerrero informed him that the head person from the 9th District Judy Foster is on island to assist the CNMI with FEMA reimbursement and the insurance situation. Ms. Foster forwarded to FEMA that after Typhoon Soudelor the Judiciary did not request for total building insurance for the Guma' Hustisia because the building was not completely damaged. These items still remain pending with FEMA.

The engineer from the Public Assistance Office has not conducted a site assessment at the Kotten Tinian.

Grants Administrator Stowell anticipates the RFP for the Window Repair and Stucco Repair will be issued soon. These projects are FEMA reimbursable.

At the end of 2019, the building loan balance was \$1,812,393. Grants Administrator Stowell believes the loan will be paid off by October 2021.

Funds Status Report for all grants and the FEMA Project Tracker was provided to the Council. Grants Administrator Stowell reported that the CJPA JAG funds remain frozen. He prepared a summary of the grants that are affected by the freeze – including grants, payments, purchase requisitions, etc. that are pending.

Due to the Grants Policy that was adopted by the Judicial Council, Grants Administrator Stowell notices improvements in progress reports.

9. Guma' Hustisia Closure and Re-Opening Projects

WM Engineering Services, LLC. (Contract No. 672803-OC). The contract is still valid. WM is the Judiciary's Project Manager and continues to coordinate with the Judiciary regarding the ongoing repair projects that impact the HVAC installation and mold remediation.

N15 Architects (Contract No. 677506-OC). This contract is still valid. N15 continues to assist the contractor with the repair of the Guma' Hustisia skylights.

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Pacific Cooperation: Atrium Skylight Repair (Contract No. 681012-OC). This contract is still valid. A request for contract extension is anticipated due to issues regarding the skylight order.

Mechille Corporation: Carpet Removal and Carpet and Tile Installation (Contract No. 681012-OC). This project remains pending until the HVAC and Mold Remediation Project is completed. All courtrooms remain pending for carpet installation. Payment for this contract is also delayed.

RFQ19-Judiciary-098: Supply and Installation of HVAC and Mold Remediation Services for Guma' Hustisia. The RFQ is still in the procurement process. The submission deadline is January 23, 2020.

10. Commonwealth Judiciary Administrative Office

Building Maintenance Unit. Building Superintendent Gerald E. Weaver informed the Council that his computer crashed and was not able to provide his written report. However, he provided project updates. The Guma' Hustisia signage by the main road was repainted and polished. The lights along the sidewalk at the front of the building was repaired. He recommended to keep the flags up instead of taking them down.

Building Superintendent Weaver reported that there are issues regarding the skylights that were ordered. He met with N15 and Pacific Cooperation last week Thursday and recommended that the correct skylights be ordered and installed properly. The current skylights cannot be anchored properly. Additionally, it has to be anchored from the inside and there is not enough depth to keep it secured. He added that the original design has it anchored from the outside. The current design requires access from the inside should repairs or maintenance arise. This could disrupt court operations. If the current skylights are fabricated, N15 is unsure if the warranty will remain and if it will pass wind/building code.

The flag pole at the Kotten Tinian needs to be replaced. Per Grants Administrator Stowell, the repair for the flag poles can be added to the project worksheet and considered for FEMA reimbursement once it is assessed, quotations are obtained (possible RFP), and work is completed.

Building Superintendent Weaver requested for one additional FTE for his unit. He pleaded for Council support during the budget hearings.

Human Resource Unit. Human Resource/Administrative Officer Michelle V. Guerrero submitted her quarterly report to the Council.

HR/Admin. Officer Guerrero reported that there were three new hires, seven contract renewals, three separate of employments, and four positions of the fifteen vacancies were filled. She continues to work with the managers to fill the vacancies.

In regards to the Judiciary calendar, the CNMI High School Mock Trial Competition is scheduled for February 27-28, 2020. Upcoming professional developments include: 1. February 7 – Microsoft Training; 2. February 21 – Technology in the Workplace Training; and February 28 – Computer Training (Excel).

Information Systems Unit. Systems Administrator Michael C. Villacrusis was on sick leave of absence. However, his written report was provided to the Council. Computer Specialist Jorale Mendoza was present on behalf of ISU.

Per Director of Courts, three laptops remain pending distribution. MSD will receive all three laptops. OAPS is in need of additional laptops on top of the six that were released to their office. Centron Hustisia received

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three laptops. Kotten Tinian will be receiving one laptop soon. These laptops are a necessity because of the alternate sites. There is a need to order more.

Language Access Policy and Plan. LEP Coordinator Vivian S. Dela Cruz provided statistics on the LAPP. In 2019, most of the requests for an interpreter were in the courtroom. Per Director Camacho, she anticipates these numbers to rise after the LAPP training provided by Ms. Debi S. Tulang-De Silva. Additionally, the Judiciary paid \$3,885.00 for court interpreters service. This number is also expected to rise. Currently, the budget request is \$4,000 for LAPP. However, this amount needs to be updated to include possible telephonic interpreter services – about \$40,000.

The three languages most requested over the last two years at the traffic dockets are Chinese (Mandarin/Cantonese), Tagalog, and Korean.

11. Division Reports

Family Court Division. Family Court Division Manager Joseph P. Villagomez provided his fourth quarter and 2019 annual report to the Council.

FCD continues to be busy. Majority of the pro-se clients are Chinese. Clients that require an interpreter are asked to come back another day when the interpreter is available. FCD Manager Villagomez stated that his office will greatly benefit from the telephonic interpreter service.

In the fourth quarter, FCD saw 1,225 pro-se clients and a total of 4,978 total pro-se clients in 2019. All other service areas that is provided by FCD also increased in numbers – home studies, mediation, etc.

FCD continues to work closely with the Criminal Justice Planning Agency regarding the mediation training funds – currently under the VOCA grants. These funds are not frozen, but has yet to be released by CJPA. This project remains pending because of funding.

FCD collects data for Compact Impact.

Drug Court Division. Drug Court Manager Edward P. Diaz provided his fourth quarter and 2019 annual report to the Council.

Drug Court Manager Diaz elaborated that their partnership with treatment providers such as Marianas Behavioral Health International, Community Guidance Center, and the Substance Abuse, Addictions, and Rehabilitation Program (SAAR) continues to remain strong. The Office of the Attorney General and the Office of the Public Defender continue to attend weekly staffing and hearings.

DCD administered 1,140 drug tests – 95% were negative. DCD reported four no-shows. However, it has 100% attendance at mandatory hearings.

DCD conducted several internal workshops involving review of its policies, procedures, handbooks, phases, tracks, forms, etc.

Commonwealth Recorder's Office. Commonwealth Recorder Lucy S. Deleon was on sick leave of absence. However, her report was submitted to the Council.

Office of Adult Probation and Supervision. Acting Chief Probation Officer Simram Simram provided his fourth quarter report to the Council.

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Acting Chief Probation Officer Simram reported that the bidding process for the RSAT Building Enclosure closed in December 2019. The submitted proposal exceeds the allocated budget for the project. Budget and Finance Director Villagomez is trying to identify local funding to help supplement the expense. Probation Officer II Juan R. Aguon will be assisting with the project once funding is identified.

Acting Chief Probation Officer Simram shared that the contract for the OAPS pick-up truck remains pending. Per Budget and Finance Director Villagomez, the next step is for the vendor to sign the contract. Director Camacho informed OAPS that the vehicle cannot be used until it is paid in full.

Lastly, Acting Chief Probation Officer Simram met with Systems Administrator Villacrurus regarding the migration of the late Chief Probation Officer Ursula Lifoifoi-Aldan's files to an accessible computer. OAPS does not have access to most of her files. Access to her files will benefit OAPS so its staff does not have to start from scratch.

Marshals Service Division. Chief Marshal Jason T. Tarkong was not present at the meeting. However, his report was submitted to the Council.

In 2019, MSD reported a total of 37,865 entries – Supreme Court, Superior Court, and Accounting Services Unit. The total number of prohibited items that were confiscated is 32. MSD escorted 483 detainees and arrestees in 2019 – adult, juveniles, and arrestees that were remanded to the Department of Corrections. MSD executed 472 bench warrants – 2,497 bench warrants remain pending. The total number of jury summons served was 188. MSD provided 162 bench protection – including 16 visiting justices and judges. On February 11, 2019, MSD hired Scottie Aguon and Sherla Sablan (Rota). Additionally, surveillance cameras were installed at MBP, front entrance of Guma' Hustisia, and the cashier's station.

12. Law Revision Commission

Law Revision Commission Executive Director Hyun Jae Lee submitted her fourth quarter report and 2019 annual report to the Council.

LCR continues to codify laws and make them available to the public. They are currently up to date with codification. LRC retained a CO-OP student from Kagman High School who assisted in the digitalization of some of their projects.

13. Unfinished Business

None.

14. New Business

Judicial Council 2020 Calendar. Director Camacho requested that the calendar be adopted by the Council. She noted that the meetings are scheduled for every second Wednesday of the month except for November which is scheduled for the second Tuesday of the month.

Judge Kim-Tenorio moved to adopt the proposed Judicial Council meeting schedule for calendar. Justice Manglona seconded. Without opposition, the motion was carried.

15. Legal Counsel's Report [Executive Session, if necessary]

None.

16. Announcements

Pacific Judicial Council ACTL Trial Advocacy Training – January 27-29, 2020. PJC staff and presenters begin arriving on Thursday, January 23, 2020, through Sunday, January 26, 2020. The training will be held at the

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Fiesta Resort & Spa. On Sunday, January 26, 2020, at 6:00 pm, there will be a Meet & Greet at the Chambre, Fiesta Resort.

The PJC Planning Committee (Saipan) led by Justice Manglona will meet with June Carino on January 23, 2020. Additional information will be shared with the members of the bench after the meeting.

There is a total of 42 Judiciary employees who will be either a participant, support staff, security, etc.

Several attorneys have requested not to schedule any hearings so they can attend the training.

Website Development. Justice Manglona thanked Clerk of the Superior Court Patrick Diaz for allowing John Demapan to assist in this mammoth project. John Demapan saved the Judiciary over thousands of dollars in website development over the past few months. The website should be launched soon.

17. Adjournment

Justice Manglona moved to adjourn the regular business meeting. Judge Kim-Tenorio seconded. The motion was carried, and the Council adjourned on Wednesday, January 22, 2020 at 4:07 p.m.

Minutes prepared by: Martha B. Mendiola, Judicial Council Secretary

Approved by: Alejandro C. Castro, Chief Justice