

**BEFORE THE 2011 JUDICIAL COUNCIL OF GUAM  
RESOLUTION NO. JC 11-019**

**RELATIVE TO AUTHORIZING THE CHIEF JUSTICE AND THE ADMINISTRATOR OF THE  
COURTS TO TAKE LEGAL ACTION TO ENFORCE 5 GCA § 22111**

- WHEREAS,** the provisions of Public Law 30-177 added a new § 22111 to Title 5 Guam Code Annotated, requiring the Director of Administration of the Government of Guam to expeditiously deposit funds from the General Fund to the Judiciary of Guam. In recognition that the Judiciary “must be reasonably funded in order to carry out its mandates under the Organic Act,” the law requires that the Judiciary receive its proportionate share of the funds “as soon as revenues are made available.” 5 GCA § 22111; and
- WHEREAS,** based on publicly available information regarding General Fund revenue collections, as of July 31, 2011, the deposit owed to the Judiciary pursuant to 5 GCA § 22111 should be ninety four percent (94%) of the Judiciary’s projected schedule of monthly deposits; and
- WHEREAS,** given the failure of the Department of Administration to ensure that the Judiciary receives the amount calculated pursuant to 5 GCA § 22111, the Chief Justice presented to the Judicial Council, during a regularly scheduled meeting on August 18, 2011, the possibility of taking legal action to enforce the ministerial duty set forth in 5 GCA § 22111. The Judicial Council agreed that the Chief Justice and the Administrator of Courts should take such steps as are necessary to enforce the right of the Judiciary to receive its percentage allotment from the Department of Administration, to include possible legal action against the Director of Administration and agencies of the Executive Branch which make or have made non-ministerial decisions to reduce the Judiciary’s allotments in contravention of 5 GCA § 22111. The Judicial Council has agreed that it has become necessary for the Chief Justice and the Administrator of the Courts to seek a Writ of Mandamus requiring the appropriate deposit amount to be made immediately; and

**NOW THEREFORE BE IT RESOLVED,** that the Judicial Council hereby authorizes the Chief Justice and the Administrator of Courts to take such steps as are necessary to enforce the right of the Judiciary to receive its proportionate allotment from the Department of Administration, to include possibly taking legal action against the Director of Administration and agencies of the Executive Branch which make or have made non-ministerial decisions to reduce the Judiciary’s allotments in contravention of 5 GCA § 22111, and to seek a Writ of Mandamus requiring the appropriate deposit amount to be made immediately.

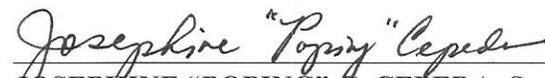
**DULY ADOPTED** this 18<sup>th</sup> day of August, 2011 at a duly-noticed meeting of the Judicial Council of Guam.



**F. PHILIP CARBULLIDO**, Chairman

Date: 8-18-11

ATTEST:

  
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**JOSEPHINE "POPING" C. CEPEDA**, Secretary

Date: 8-18-11