

I Mina Trentai Tres Na Liheslaturan Guåhan
Resolutions Log Sheet

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Referred	Committee / Ofc Referred	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	Date Adopted
164-33 (LS)	T. R. Muña Barnes B. J.F. Cruz Frank F. Blas, Jr.	Relative to recognizing and congratulating the Public Defender Service Corporation (PDSC), established in 1975 through Public Law 13-51, on the occasion of its 40th Anniversary; and to further commending and extending Un Dângkolo Na Si Yu'os Ma'åse for their commitment and dedication to providing effective legal assistance to those unable to afford private counsel.	08/18/15 9:43 a.m.	09/10/15 11:00 a.m.					08/18/15

I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (FIRST) Regular Session

Resolution No. 164-33 (LS)

Introduced by:

T. R. Muña Barnes
B. J.F. Cruz
Frank F. Blas, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
James V. Espaldon
Brant T. McCreddie
Tommy Morrison
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

Relative to recognizing and congratulating the Public Defender Service Corporation (PDSC), which was established in 1975 through Public Law 13-51, on the occasion of its 40th Year Anniversary; and to further commending and extending *Un Dângkolo Na Si Yu'os Ma'åse'* to the PDSC for its commitment and dedication to providing effective legal assistance to those unable to afford private counsel.

1 **BE IT RESOLVED BY *I MINA'TRENTAI TRES NA LIHESLATURAN***
2 ***GUÁHAN:***

3 **WHEREAS,** in 1968, the Public Defender Service Corporation had originally
4 existed under the Judicare Program that was initiated on September 25, 1968 with the
5 Department of Public Health and Social Services (DPHSS). It was comprised of a
6 Public Defender, an Attorney II, an Administrative Law Secretary, a Special

1 Investigator, and a General Helper. The organization was conceived to render legal
2 advice and counseling to indigent persons in civil, criminal and juvenile proceedings;
3 and

4 **WHEREAS**, in 1972, the PDSC was removed from the DPHSS, and was
5 established as a separate office. On March 30, 1972, Public Law 11-128 was enacted,
6 which repealed Subchapter E of Chapter II, Title 10 of the Government Code of
7 Guam, adding a new Title LXIII (63) of Chapter I, establishing a separate Office of
8 the Public Defender. Among its provisions were: (1) the appointment of the Public
9 Defender by the Governor; and (2) the authority given to the Public Defender to
10 appoint other personnel that will accomplish the objectives of the office; and

11 **WHEREAS**, the PDSC was conceived to provide effective legal aid and
12 assistance to those persons on Guam who are unable to afford counsel; and

13 **WHEREAS**, in 1975, Bill Number 291 was passed and enacted into law as
14 Public Law 13-51, adding a new Chapter 11 to Title 12 GCA; and the Public Defender
15 Service Corporation (PDSC) was established, and a Board of Trustees was created
16 entrusting it with the governance of the Corporation, becoming the only legal aid
17 organization to service the indigent people of Guam. In 2004, the Legislature passed
18 Bill No. 280 (COR) which was enacted into law as Public Law 27-104 on June 30,
19 2004, adding a new § 11107 to Chapter 11, Title 12 GCA, and providing that the
20 PDSC Board of Trustees be comprised of five (5) members, to include: the Chief
21 Justice of the Supreme Court of Guam, who is the Chairman; the Presiding Judge of
22 the Superior Court of Guam, who is the Vice-Chairman; the President of the Guam
23 Bar Association; and two (2) members appointed by the Chief Justice of the Supreme
24 Court of Guam, whose terms are for three (3) years; and

25 **WHEREAS**, in 1978, public law put the PDSC in charge of federal takings of
26 land on Guam; and the PDSC worked tirelessly for clients to provide fair value for

1 land claims. This became one of the primary focuses of the PDSC, resulting in
2 winning many cases for the people of Guam. Public Law 14-98, enacted on January
3 10, 1978, granted authority to the PDSC to represent claimants regarding land takings
4 by the federal government. The Corporation was to exert all efforts to ensure that fair
5 compensation is awarded to those landowners, their heirs and/or legatees who were
6 paid less than fair market value as a result of (1) duress, unfair influence or other
7 unconscionable action; or (2) unfair, unjust or inequitable actions of the United States,
8 as mandated by Section 204(a) of US Public Law 95-134. Thus, the PDSC
9 implemented the Land Taking Claims Division within the organization; and

10 **WHEREAS**, the PDSC worked to organize the Guam Legal Services
11 Corporation (GLSC); and Guam Legal Services was formulated in 1978, and officially
12 opened in 1981; and

13 **WHEREAS**, the Land Claims Division merged with the PDSC through Public
14 Law 15-180, and the PDSC successfully handled its highest caseload since its
15 inception, as new cases went from three thousand (3,000) a year to six thousand
16 (6,000) a year; and throughout the 1980s, the investigative divisions improved through
17 the hiring of more investigators and better training, and as a result, the PDSC was able
18 to provide more efficient investigative work; and

19 **WHEREAS**, the PDSC has built up a very strong group of attorneys, many of
20 whom still work at the PDSC today. In the 1980s and 1990s, the PDSC teams won a
21 number of sports championships, such as in co-ed softball, co-ed volleyball, eight (8)
22 Government of Guam Departhalon championships, and eighteen (18) straight years of
23 winning basketball championships. The spirit of winning sports championships
24 translated into its work product as the PDSC had a winning attitude and a strong
25 record of winning many cases during this period; and

1 **WHEREAS**, the growing number of criminal cases prompted the PDSC to
2 focus solely on criminal cases; and so the PDSC worked to form and implement the
3 Alternate Public Defender (APD) which was created to handle the conflicts of the
4 PDSC. The APD now has four (4) attorneys and one (1) managing attorney; and by
5 the end of the 2000s, the PDSC had handled an estimated total caseload of over
6 eighty-five thousand (85,000) cases; and

7 **WHEREAS**, the PDSC has grown to being an organization with sixty (60)
8 employees, including fourteen (14) attorneys to service the people of Guam. As
9 public servants, the mission of the Public Defender Service Corporation exists to
10 provide effective legal assistance to those unable to afford private counsel, thereby
11 ensuring equal protection of their lawful rights in accordance with prescribed ethics,
12 laws, rules and regulations; and

13 **WHEREAS**, the PDSC's vision is to maintain a dynamic, efficient, and client-
14 focused environment for both its clients and employees, while defending justice and
15 equality for the people of Guam; now therefore, be it

16 **RESOLVED**, that *I Mina'Trentai Tres Na Liheslaturan Guåhan* does hereby,
17 on behalf of the people of Guam, recognize and congratulate the Public Defender
18 Service Corporation (PDSC), which was established in 1975 through Public Law 13-
19 51, on the occasion of its 40th Year Anniversary; and does further commend and
20 extend *Un Dångkolo Na Si Yu'os Ma'åse'* to the PDSC for its commitment and
21 dedication to providing effective legal assistance to those unable to afford private
22 counsel; and be it further

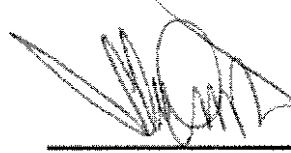
23 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,
24 the adoption hereof, and that copies of the same be thereafter transmitted to Eric Donn
25 Miller, Executive Director of the Public Defender Service Corporation; to the
26 Honorable Robert J. Torres, Jr., Chief Justice of the Supreme Court of Guam, and

- 1 Chairman of the Board of Trustees of the Public Defender Service Corporation; and to
- 2 the Honorable Edward J.B. Calvo, *I Maga'låhen Guåhan*.

DULY AND REGULARLY ADOPTED BY I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN ON THE 18TH DAY OF AUGUST 2015.



JUDITH T. WON PAT, Ed.D.
Speaker



TINA ROSE MUÑA BARNES
Legislative Secretary