EXECUTIVE DIRECTOR
Stephen P. Hattori

DEPUTY DIRECTOR
Richard S. Dirkx
ADMINISTRATIVE DIRECTOR
Cathyann C. Gogue

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pupbleku)

GOVERNMENT OF GUAM
779 Route 4
Sinajåña, Guam 96910
Tel: (671) 475-3100 ◆ Fax: (671) 477-5844

STAFF ATTORNEYS
Jocelyn M. Roden
Peter J. Sablan
Ali N. Nusbaum
William B. Jones
Kristine B. Borja
William C. Bischoff
Alisha L. Molyneux
Rocky P. Kingree
Zachary C. Taimanglo
Kristin D. Smith
Earl Anthony V. Espiritu
Clyde Lemons, Jr.

March 6, 2018

Hand-Delivered

GCA 34-18-1621
Speaker Benjamin J.F. Cruz

MAR 0 6 2018
Time: 4:07 [ ] AM [+] PM File No. 34-1623
Received By: [signature]

Speaker Benjamin J.F. Cruz
I Mina'trentai Kuåttro Na Liheslaturan Guåhån
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Speaker Cruz,

Håfa Adai! Pursuant to §8113.1 of Chapter 8 Title 5 GCA, enclosed you will find one (1) compact disc containing an electronic file of the meeting packet of the Public Defender Service Corporation Board of Trustees' meeting conducted on Tuesday, February 27, 2018.

We appreciate your attention to this matter, and look forward to answering any questions you may have regarding the electronic recording of the aforementioned minutes.

Dångkolo na Agradesimento.

Sincerely,

CATHY GOGUE
Board Secretary

Enclosure

2018 MAR -7 AM 11:27

ACKNOWLEDGED RECEIPT

Received By: _____

Name (please print): _____

Date: _____

GCA 1621

PUBLIC DEFENDER SERVICE CORPORATION
Board of Trustees Regular Meeting
Tuesday, February 27, 2018 – 12:30 P.M.
Conference Room
Public Defender Service Corporation

A G E N D A

I. Call to Order

II. Roll Call

III. Proof of Due Notice of Meeting:

A. Notice: 5 Working Days — The Guam Post, Wednesday, February 20, 2018
B. Notice: 48 Hours — The Guam Post, Friday, Friday 23, 2018

IV. Determination of Quorum

V. Approval of Minutes: Regular Meeting of Tuesday, November 27, 2017

VI. Old Business:

A. Financial Status Update (PDSC, Domestic Violence and APD) Allotment Releases
B. Public Defender Service Corporation Update
C. Alternate Public Defender Update
D. PDSC Executive Director's Report – 1st Quarter Monthly Statistics **(EXHIBIT A)**
E. APD Managing Attorney's Report – 1st Quarter Monthly Statistics **(EXHIBIT B)**
F. Shanks' Training & Retreat Report **(EXHIBIT C)**

VII. New Business:

A. APD FY2018 Budget Issues

VIII. Executive Session:

A. Personnel Issues

IX. Public Discussion:

X. Adjournment and Next Meeting Date:

Tuesday, March 27, 2018 at 12:30PM

Students plan protests, Washington march, to demand gun control after mass shooting

PARKLAND, Fla. (Reuters) - Stunned by the deadliest high school shooting in U.S. history, students mobilized across the country on Sunday to organize rallies and a national walkout in support of stronger gun laws, challenging politicians they say have failed to protect them.

Students from Marjory Stoneman Douglas High School, where a former student is accused of murdering 17 people on Wednesday using an assault-style rifle, joined others on social media to plan the events, including a Washington march.

"I felt like it was our time to take a stand," said Lane Murdock, 15, of Connecticut. "We're the ones in these schools, we're the ones who are having shooters come into our classrooms and our spaces."

Murdock, who lives 20 miles from Sandy Hook Elementary School where 20 children and six adults were shot to death five years ago, drew more than 50,000 signatures on an online petition on Sunday calling on students to walk out of their high schools on April 20.

Instead of going to classes, she urged her fellow students to stage protests on the 19th anniversary of an earlier mass shooting at Columbine High School in Colorado.

Students from the Florida high school are planning a "March for Our Lives" in Washington on March 24 to call attention to school safety and ask lawmakers to enact gun control.

They also plan to rally for gun control, mental health issues and school safety on Wednesday in Tallahassee, the state capital. The students were expected to meet with a lawmaker who is seeking to ban the sale of assault-style weapons like the AR-15 allegedly used in the school shooting.



MEMORIAL: *A senior at Marjory Stoneman Douglas High School weeps in front of a cross and Star of David for shooting victim Meadow Pollack while a fellow classmate consoles her at a memorial by the school in Parkland, Fla., Feb. 18. Jonathan Drake/Reuters*

The demands for change by many still too young to vote has inflamed the country's long-simmering debate between advocates for gun control and gun ownership.

Students from the Florida school have lashed out at political leaders, including Republican President Donald Trump, for inaction on the issue. Many criticized Trump for insensitivity after he said in a weekend Twitter post that the FBI may have been too distracted with a Russia probe to follow leads that could have prevented the massacre.

"You can't blame the bureaucracy for this when it's you, Mr. President, who's overall responsible," David Hogg, an 18-year-old Douglas senior, said in a phone interview.

'Listening session'

The White House said Trump planned to host "a listening session" with high school students and teachers on Wednesday, but did not specify which students or school would be involved.

Democratic leaders vowed to redouble efforts to fight the nation's powerful gun lobby to reduce violence from firearms.

"We're the adults. We're the leaders in this country who are supposed to keep our children safe - and again and again, our country has let them down," Democratic National Committee Chairman Tom Perez said on Twitter.

The suspect in the Parkland shooting, Nikolas Cruz, 19, faces multiple murder charges in the deaths of 14 students and three staff members, and the wounding of more than a dozen others in a rampage that eclipsed Columbine as the country's worst mass shooting at a high school.

Cruz was reported to have been investigated by police and state officials as far back as 2016 after slashing his arm in a social media video, and saying he wanted to buy a gun. Authorities determined, however, he was receiving sufficient support, newspapers said on Saturday.

In addition, the Federal Bureau of Investigation admitted on Friday that it failed to investigate a warning that Cruz possessed a gun and the desire to kill.

A couple who opened their home to Cruz after his mother's recent death saw no signs he was planning a rampage, according to the Sun Sentinel in south Florida.

Kimberly and James Snead told the newspaper they knew Cruz had guns, and that they made him lock them in a safe. They thought they had the only key, they said.

Cruz faces charges that could bring the death penalty. Prosecutors have not yet said if they will seek capital punishment.

Four people still hospitalized with wounds from the shooting were in fair condition on Sunday, a spokeswoman for the Broward Health system said.

School officials in Broward County said on Sunday they were aiming to have staff return to the high school campus by the end of the week. They did not say when classes would resume.

NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct its regular scheduled board meeting on **Tuesday, February 27, 2018 at 12:30 P.M.** in the Conference Room of the Public Defender Service Corporation, located at MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation.

Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 475-3100.

/s/ KATHERINE A. MARAMAN
Chairwoman

This public notice is paid for with government funds.

Doc. No. 34GL-18-1621.

GOVERNMENT OF GUAM
BEFORE THE COMMISSIONER OF
BANKING & INSURANCE

United States Fidelity and Guaranty Company
Petitioner

In the Matter of the
Application for Withdrawal and to
Permanently Discontinue the
Transaction of Insurance Business
In Guam pursuant to Title 22 GCA §15113

NOTICE OF INTENTION TO WITHDRAW

Notice is hereby given that Discover Property & Casualty Insurance Company
of One Tower Square, MS08A, Hartford, CT, USA
Intends to Withdraw and to
Permanently Discontinue the Transaction of
Insurance Business in Guam.
All persons interested in this matter should write to
The Company at the above address
Or call 860-954-5660 or the Office of
The Commissioner of Banking and Insurance
At Barrigada, Guam at 671-635-1844/5/6.

CURRENCY EXCHANGE RATES
On Feb. 22, $1 was worth:

Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.

52.122 PHP₱	107.37 JPY¥	1,083.88 KRW₩	29.279 TWD NT$	6.3549 CNY¥	1.2803 AUD A$	0.8147 EUR €

Chamber survey: 96% believe GovGuam can do 'much more' to cut expenses

Members of the Guam Chamber of Commerce overwhelmingly oppose any increase in the business privilege tax and believe that the government of Guam can do much more to reduce expenses, the island's largest business organization stated.

The chamber surveyed its members to find out what they thought about Gov. Eddie Calvo's Bill 245, which proposes to increase the business privilege tax by 50 percent, from 4 percent to 6 percent.

The chamber reports that 86 percent of its members oppose any increase in the tax, and 96 percent think "there is still much more" that the administration can do to reduce spending.

The survey results are part of the written testimony the chamber submitted on Wednesday in opposition to the governor's Bill 245.

> "Why are we penalizing the consumers of Guam for the government's inability to address its current spending habits?"
>
> – *Catherine Castro, president, Guam Chamber of Commerce*



'Call it exactly what it is: a tax increase'

In her written testimony, chamber President Catherine Castro disputes the governor's characterization of his bill as "an equalization of taxes." Instead, she writes, we will "call it exactly what it is: a tax increase."

"We oppose Bill 245-34 as proposed by the governor of Guam," wrote Castro, calling the measure "a Band-Aid solution" that would "negatively impact every consumer on Guam."

The measure "avoids addressing" the real problems facing GovGuam, writes Castro, which she describes as the failure to fully collect taxes based on existing law, and the failure to reduce the size of the government.

"There are apparently millions of dollars that our government is not collecting," writes Castro. "Why are we penalizing the consumers of Guam for the government's inability to address its current spending habits?"

Alternative solutions

In her written testimony, Castro points out that the chamber has offered alternative solutions to help provide funds for Guam Memorial Hospital and other GovGuam needs.

Those proposals include converting the BPT to a sales tax, implementing an online sales tax and increasing property taxes. However, these ideas have not been adopted.

Castro concluded her testimony with an offer to provide the expertise of chamber members to help implement "imperative structural changes now, with long-term solutions."

(Daily Post Staff)

TakeCare adds 'preferred network' members

American Medical Center, Dr. Thomas Shieh's clinic, Kmart Pharmacy and "SuperRx" Pharmacies have joined TakeCare Insurance Co.'s preferred network on Guam.

TakeCare members will enjoy a lower out-of-pocket cost when receiving services from these "preferred network" providers compared to other providers contracted by TakeCare, the company stated in a news release.

The company will be working with its other contracted and participating providers to assist them in becoming part of its preferred network, TakeCare stated.

TakeCare members can call 647-3526 for more information, or log onto TakeCare's latest provider directory at www.takecareasia.com to confirm the preferential status of any TakeCare's contracted and participating providers. ***(Daily Post Staff)***

More information

TakeCare members can call 647-3526 for more information, or log onto TakeCare's latest provider directory at www.takecareasia.com.

Tax-code changes may slow giving to colleges

By Kate Smith
Bloomberg

Changes to the tax code may restrict growth in philanthropy to U.S. higher education to less than 6 percent this year, according to a report this week from Moody's Investors Service.

The anticipated slowdown in charitable giving highlights a change to the rating company's donation forecast. In December, Moody's predicted philanthropy growth through mid-2019 would mimic the 6 percent increase that colleges and universities saw in 2017.

Gifts to higher education reached a record $43.6 billion in 2017, a 6.3 percent increase from the year prior, driven by a 14.5 percent jump in donations from alumni, according to the Council for Aid to Education. But the individuals who boosted last year's numbers are likely to be affected by the 2018 increase in the standard tax deduction, so they have less to gain in exchange for their donations. Major donors such as foundations are anticipated to give at comparable levels.

Giving trends are typically dictated by financial markets, economic conditions and consumer confidence, Moody's wrote.



NOTICE OF PUBLIC MEETING

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Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation.

Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 475-3100.

/s/ KATHERINE A. MARAMAN
Chairwoman

This public notice is paid for with government funds.

DOC-JOCM-GL-18-1621.

PUBLIC DEFENDER SERVICE CORPORATION
BOARD OF TRUSTEES
Regular Meeting
of
Tuesday, November 28, 2017 – 12:30PM
Alternate Public Defender Conference Room

M I N U T E S

I. CALL TO ORDER:

The meeting was called to order by the Chairwoman, Chief Justice Katherine A. Maraman, at 1:06 PM.

II. ROLL CALL:

Present:	Chief Justice Katherine A. Maraman, Chairwoman Presiding Judge Alberto C. Lamorena, III Attorney Jacque T. Terlaje, GBA President Mrs. Annette J.U. Ada, Member
Absent:	Attorney Donna M. Cruz, Member (Excused)
Others Present:	Attorney Stephen P. Hattori, PDSC Executive Director Richard Dirkx, Deputy Director Attorney AnaMaria C. Gayle, APD Managing Attorney Cathy Gogue, Administrative Director Michael S. Moreno, Chief Fiscal Officer Bernie Lizama, HR Specialist Kenneth A. Lim, Computer Systems Analyst Cathy Moylan, Program Coordinator IV Shannel Mendiola, Administrative Assistant Audre K. Hattori, APD Secretary Supervisor

III. PROOF OF DUE NOTICE OF MEETINGS:

"Notice of Public Meeting" was published in the Guam Post on Thursday, November 21, 2017 and Friday, November 24, 2017.

IV. DETERMINATION OF QUORUM:

With the presence of four (4) out of the five (5) board members, a quorum was determined for the meeting to proceed.

V. APPROVAL OF MINUTES:

Motion to approve the minutes of Tuesday, October 24, 2017 was made by Presiding Judge Alberto C. Lamorena, III and seconded by Attorney Terlaje. The minutes were adopted and approved, subject to corrections.

For the record, this meeting is being held at APD's new office space so that a tour of the office can be conducted after the board meeting.

VI. OLD BUSINESS:

A. Financial Status Update

PDSC Allotment. Chief Fiscal Officer Michael Moreno reported that he will provide a status report to the board for FY2017 and FY2018. According to CFO Moreno, there are receivable for FY2017 and FY2018 that are due to PDSC. He added that during a meeting with DOA Director, Christine Baleto, allotments for both fiscal years will be released every pay period. Each allotment will be split in half for both fiscal years. A schedule for the releases was provided to PDSC during this meeting. CFO Moreno stated that for FY2018, we are at 57% and FY2017 we are at 86% of our allotment releases. We were assured by Ms. Baleto that by December 2017, allotments would be caught up for FY2017.

Administrative Director Gogue added that during this meeting with Ms. Baleto, she made the commitment to consistently release allotments to our office for FY2017 and FY2018. Since that meeting on October 25th, PDSC has received its allotment as promised, every pay period, for both FY2018 and FY2017. Based on our conversation with DOA, we will receive all our FY2017 budget by December. Should things change with DOA, we will advise the board accordingly, otherwise, we are on track.

Domestic Violence (STOP 2015 Grant Funding). CFO Moreno reported that we are waiting for word from Federal Programs, Governor's Office, relative to the progress of any funds to be provided for the program to sub-grantees. PDSC has been funding the program from June to December 2017. Not knowing what funding will be like for the start of CY2018, we are uncertain how we will maintain the DV program. CFO Moreno will continue to follow up on funding availability for the upcoming calendar year.

APD Allotment. CFO Moreno advised the board that APD's FY2017 lapsed funds totals $181,848.00. Based on the MOU, between PDSC and Judiciary of Guam, we will off-set the amount for the next allotment release for APD. AD Gogue mentioned that she already advised AOC John Lizama and Chris Budasi of the lapsed fund balance for FY2017. Chief Justice Maraman mentioned that the money will go back to the Indigent Defense Fund.

B. PDSC EXECUTIVE DIRETOR'S REPORT

ED Hattori advised the board that we hired Program Coordinator IV, Cathy Moylan. We were able to hire her after Cil Fernandez retired and we converted Cil's position to Program Coordinator. We are hoping that by bringing on Cathy, she will be able to us help get the Seniors' Program Grant with DPHSS. The PC position was requested in the FY2017 budget and the legislature did not disapprove the position; however, they did not give us enough money for the civil division or to actually fund the position. One of Cathy Moylan's big projects will be to lift the moratorium and open up the civil division. She will be working with the Guam Bar on this project.

In addition to hiring Cathy, we hired Clyde Lemons last week as an Attorney IV. Clyde brings years of experience to PD, and we are happy to have him as a part of the team.

ED Hattori advised the board that he will bring PDSC's 1st quarter statistics at the next board meeting.

C. APD MANAGING ATTORNEY'S REPORT

MA Gayle reported that they are moved into the new office and will give a tour after the meeting. This is the multi-purpose media conference room and as you can see we are able to move the desks around and set them up like a classroom and set up the digital display.

APD hired Shinju Flynn and she has been in several courtrooms since she started. According to MA Gayle, we were in Judge Barcinas' courtroom this morning and she introduced Attorney Flynn to Judge Barcinas. Ms. Flynn was an intern at PDSC, and we hope to see great things from her.

We also want to give an update on other things around the office. Audre Hattori explains, relating to the move, we did have a situation with the doors for the employee entrance. The doors and swipe card for the employee entrance was already approved with the plans. We did not realize until after the contractor was installing the swipe card mechanism that there was a huge conduit that was going to be in one of the attorney's offices which we will show the board members during the tour. We asked the contractor to stop working on installing the conduit, and came up with a suggestion we relocate the conduit and cover the holes which will cost approximately $2,000 in addition to the $6,295 already approved because we purchased the materials. We want to address the additional cost for the doors.

A lengthy conversation ensued amongst the board members and APD staff regarding the doors to the office, to include the front door that would be made ADA compliant. It was suggested that before the next board meeting that the APD staff explore working with the landlord to see if they will assume the cost. It was also suggested that APD look at another potential vendor other than the one currently being used to see if the cost could be lower than what is currently being presented to the board. Audre replied that the current vendor is the only company on island providing such goods and services – which explains the high cost of the door mechanism. Attorney Terlaje further suggested that APD check with the landlord if they will make any sort of accommodation by maybe paying for a good portion of the cost if not the entire amount and maybe portion the amount over several months be off-set through rent, which some landlords are willing to do. She added that she is quite surprised a commercial landlord is not willing to pay for upgrades to the building, that will remain with the building should APD vacate the premises after their 5-year contract expires.

Presiding Judge Lamorena recommended that we put this item on the agenda for the next meeting and that maybe the landlord can offset the cost or we get other quotes. APD

negotiate with the landlord and offset the rent to the cost to change out the doors. MA Gayle thanked the board for their great suggestions.

VII. NEW BUSINESS

A. SHANK-KINDLON TRIAL ACADEMY

Every year we try to have a trial clinic with off-island trainers. Over the past 3-years, we have had Attorney Laurie Shanks provide trial training for both APD and PD attorneys. Over the last 2-years, she has had her partner, Terry Kindlon join her with training our attorneys here in Guam. This year, the trainers are willing to come back and will include a Federal Public Defender Investigator, Faheemah Downs, who will conduct break-out sessions primarily for the investigators. The breakdown of the cost presented to the board was as follows:

Training Budget

Airline Tickets Kindlon-Shanks (Albany, NY to Guam – RT - $4,557)	$9,114.00
Airline Tickets Investigator Downs (Baltimore, MD to Guam – RT) ….	$4,169.71
Hotel Accommodations	$3,000.00
Banquet Charges	$5,980.00
	$22,263.71

TOTAL PD Share = $13,358.00
APD Share = $8,906.00

The total cost we are estimating for this training is about $22,263.00. What we are anticipating is a three day conference, two days with the attorneys and investigators and the third day will be an office-wide retreat to work on strategic plans and other administrative matters for the entire PD/APD team. Chief Justice Maraman asked if this training will be the same time as the Pacific Judicial Conference. ED Hattori explained it is the same time, and that the attorneys are only invited on January 19th to the PJC. Chief Justice Maraman explained that on January 19th, there is a section in the morning on how to do criminal cases.

AD Gogue informed Chief Justice Maraman that PDSC is looking at having the trial clinic at the same venue as the Pacific Judicial Conference; which is what the banquet charges are in the proposed budget. Having our training in the same venue as the PJC will make it convenient for our attorneys to attend the Friday session as well as other sessions they are allowed to attend. Presiding Judge Lamorena asked if the trial clinic is open to private bar attorneys. ED Hattori responded that the clinic is open to the private attorney panel. Presiding Judge Lamorena asked how many CLE credits will be given for this clinic. ED Hattori stated that we are working with the bar to get pre-approval for trial clinic. For the last clinic we held earlier this year, the private attorney panel received 8 hours for one day and our attorneys got 16 hours for the 2-days.

Attorney Terlaje mentioned that now the Board of Governors approved an administrative CLE fee for 2018. Beginning 2018, to report CLEs to the bar, it will be $10.00 per credit hour for approved hours and $25.00 per credit hour fee for unapproved CLEs. PDSC might want to take that into account for this training. With the discussion of the additional fee that the Guam Bar will charge for CLEs, motion was made by Presiding Judge Lamorena and seconded by Attorney Terlaje to add the CLE administrative fees for all PD and APD attorneys at $4,000.00. **There being no further discussion, motion carried. Chief Justice Maraman confirmed the budget for the trial clinic is now increased to $26,263.71.**

Res. No. 04-18

With the approval of the budget, Attorney Terlaje recommended that the charge for the private bar be $120.00; which will include the lunch and administrative fees. She added that about $100.00 will be returned to PDSC funds.

There being no further discussions under New Business, the board called for a recess and went into Executive Session at 1:41 PM.

VIII. EXECUTIVE SESSION

Reconvening from Executive Session at 2:06 PM, Chief Justice Maraman advised of the following:

A. **MA Gayle's Annual Evaluation/Increment**. Chief Justice Maraman reported that this item be postponed until Trustee Donna Cruz can attend the meeting or a separate meeting be held to include her in the evaluation of MA Gayle.

IX. PUBLIC DISCUSSION: None.

X. ADJOURNMENT AND NEXT MEETING DATE

. There being no further business to discuss, motion to adjourn the meeting was made by Presiding Judge Lamorena and seconded by Attorney Terlaje. The meeting adjourned at 2:07 PM.

The next regularly scheduled board meeting will be on Tuesday, January 23, 2018 at 12:30PM at the Public Defender Service Corporation's Conference Room.

Respectfully submitted,

CATHY GOGUE
Secretary

Agenda Item #VI-D

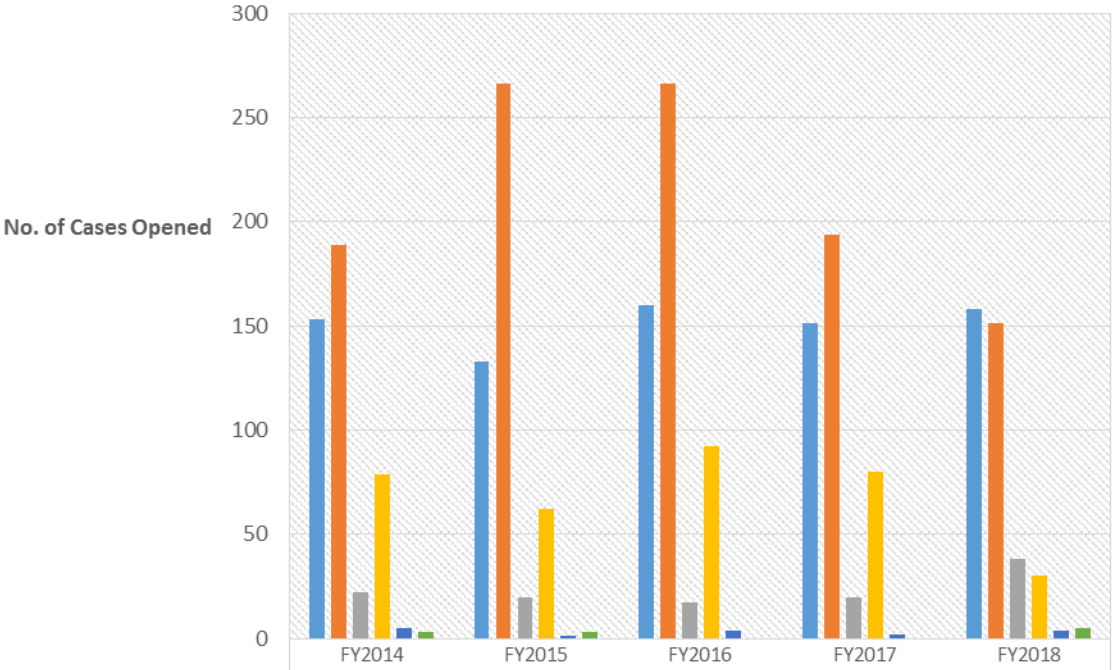
PDSC
1st Quarter
Statistics

PDSC Attorney 1st Qtr. Case Status Report

All Active Cases with Case Status as of January 15, 2018

	Case Status		
Attorney	*PRE*	*PRE-BW*	*Grand Total*
A. Molyneux	84	7	91
A. Nusbaum	93	32	125
C. Lemons	73	24	97
E. Espiritu	37	5	42
J. Roden	50	21	71
K. Borja	46	4	50
K. Smith	65	16	81
N. Ho	1		1
P. Sablan	63	16	79
R. Kingree	105	9	114
R. Dirkx	74	35	109
S. Hattori	112	53	165
W. Bischoff	34	20	54
W. Jones	45	16	61
Z. Taimanglo	36	10	46
Grand Total	***918***	***268***	***1186***

History of Cases Opened
By Fiscal Year 1st Quarter



	FY2014	FY2015	FY2016	FY2017	FY2018
Felony	153	133	160	151	158
Misdemeanors	189	266	266	194	151
Civil (PO,Guardianship, PINS)	22	20	17	20	38
Juvenile	79	62	92	80	30
Special Proceedings	5	1	4	2	4
Others	3	3	0	0	5

Public Defender Service Corporation
FY 2018 – 1st Quarter

Nature of Case	No. of Cases Opened
Criminal Felony	158
Criminal Misdemeanor	151
Civil	1
Consultation	4
Crminal Appeals	0
Domestic	1
Juvenile Drug Court	1
Juvenile Delinquent	23
Juvenlie Guardianship	17
Juvenile Person In Need	4
Juvenile Status Offense	6
Protective Order	16
Special Proceedings	4
Total	386

PDSC Attorney	No. of Cases
A. Molynexu	32
A. Nusbaum	31
C. Lemons	17
E. Espiritu	23
J. Roden	31
K. Borja	24
K. Smith	41
Other	1
P. Sablan	13
R. Kingree	44
R. Dirkx	32
S. Hattori	29
W. Jones	27
W. Bischoff	24
Z. Taimanglo	17
Total	386

Court Room	# of Cases
A. Sukola	29
A. Lamorena III	97
A. Barcinas	77
E. Iriate	26
L. Ingles	13
M. Bordallo	41
M. Cenzon	15
SCOG	39
V. Perez	49
Grand Total	**386**

Case Status	#. Cases
Closed	64
Deferred	5
POST	38
POST-BW	2
PRE	258
PRE-BW	19
Grand Total	**386**

FY 2017 Attorney Case Assignment

All Cases Opened

Assigned Cases / Attorneys	Case Typ / Appeals	Civil	Consultation	Criminal Felony	Criminal Misdemeanor	Juvenile Drug Court	Juvenile Gardianship	Juvenile PINS	Juvenile Status Offense	Protective Order	Special Proceedings	Grand Total
A. Molyneux			1	38	85					21	4	149
A. Nusbaum			1	65	106						1	173
C. Lemons				48	9							57
E. Espiritu					20							20
***E. Overton**			1	9	62							72
***H. Huynh**				13	7							20
J. Roden		2	1	43	47	8				19		120
K. Borja			2		33	72	10	3	20			140
K. Smith					30	108	9	1	20	15		183
P. Sablan			1	55	37	4						97
R. Dirkx		3	1	42	67					19	3	135
R. Kingree			1	83	17						1	102
S. Hattori	3		2	68	25		10		19		5	132
***S. Sampath**			1		2							3
W. Bischoff			1	59	46							106
W. Jones			2	50	47	3	12	2	37		2	155
Z. Taimanglo	1			50	36						2	89
Grand Total	**4**	**5**	**15**	**623**	**676**	**195**	**41**	**6**	**96**	**74**	**18**	**1753**

EXHIBIT B

Agenda Item #VI-E

APD
1st Quarter
Statistics

Alternate Public Defender
FY 2018- 1st Quarter

Court Room	# of Cases
AAS	11
AL3	10
ARB	12
EMI	18
LLI	8
MJB	12
MTC	9
SCOG	1
VPP	15
Grand Total	**96**

Nature of Case	No. of Cases Opened
ADC-FEL	12
ADC-MIS	1
DUITRF-F	1
DUITRF-M	4
FAMVIO-F	8
FAMVIO-M	5
FEL-GEN	28
JUV-DEL	16
JUV-PINS	5
MIS-GEN	13
SP	3
Grand Total	**96**

APD Attorney	No. of Cases
A. Gayle	21
G. Valdes	15
J. Morrison	18
J. Spivey	17
L. Lorig	14
S. Flynn	11
Grand Total	**96**

Case Status	# of Cases
C	19
POST	8
PRE	69
Grand Total	**96**

Agenda Item #VI-F

Shanks' Training & Retreat Report

SHANKS-KINDLON-DOWNS
2018 GUAM TRIAL SKILLS ACADEMY
January 17 – 18, 2018
Summary Report

Attendees

PDSC: We had 14 of the 15 attorneys attend from the PD's office at the academy. The attorney who did not attend the academy was off-island for a family wedding and had asked for leave a year prior to locking in the dates with Laurie Shanks. Relative to investigators, all five (5) investigators attended, with one (1) investigator coming to the sessions intermittently as he had to assist two (2) PD attorneys complete a trial that was ongoing. The investigator and attorneys who had their trial run during the training, came to the sessions when they were not in trial.

APD: Four of the five attorneys attended the training, with the one attorney left to cover court. APD's 6th attorney accepted a job with the AG's office and found it unnecessary to attend the training scheduled. As for investigators, none of the two (2) investigators were unable to attend the training. One of their investigators is on extended sick leave with the other investigator left to help the attorneys prepare for trial.

Private Attorney Panel (PAP): Of the thirty-six PAP members invited, we had three (3) attendees – Jay Arriola, Ray Haddock and Leslie Travis attend the morning session on Wednesday, January 17. For the morning session, the PAP attendees were able to obtain four (4) CLEs, with 1.5 of the CLEs identified for ethics.

NOTE: A total of 12.75 CLEs for the Trial Skills Academy was approved by the Guam Bar.

Evaluation Results

After the two day training, the participants were asked to complete a survey to better refine and/or develop future training for the attorneys and investigators. There was a total of twenty-four (24) attends from PDSC and APD. We were able obtain nineteen completed surveys.

Overall, the trainers were rated high on their presentation and content. Close to 98% rated the trainers either above average or outstanding. Some of the comments and/or recommendations made by the attendees for future training included the following:

- Include objections drill – have participants in real-time object
- Training on triangulation and cell phone software
- Laurie & Terry were awesome as usual
- Faheemah was a great addition; cell phone and social media investigation tools
- Hands-on practice was helpful. Having everyone practice and observing others was helpful too.
- Expand techniques for trial
- Good review and interesting new material. re. DNA
- Laurie is a great presenter
- More social media and cell phone information extraction
- Using social media as evidence
- More hands on simulations
- Overall, I learned a lot. Since I am a new attorney, I would've appreciated more simulations and mock exercises. However, I realize there are seasoned attorneys who would not find that as useful as I might have.
- The course you be divided into two (2) parts: 1) For relatively inexperienced attorneys and 2) For advanced attorneys. One size fits all does not work.
- The material covered in the course was good for attorneys with little to no experience. For experienced attorneys, this was not intellectually stimulating.

(end)

For the amount of money that allowed twenty-four participants to attend trial skills, PDSC/APD had great value for the money spent.

The actual evaluation sheets completed by participants will be available for board members to review at the board meeting.

AGENDA FOR TRIAL SKILLS TRAINING

WEDNESDAY, JANUARY 17, 2018

9:00 – 10:30: ETHICAL PROBLEMS CONFRONTING CRIMINAL DEFENSE ATTORNEYS (Private Bar, Attorneys and Investigators)

10:30 – 10:45: BREAK

10:45 - 12:15: LECTURE – CROSS-EXAMINATION OF THE DNA EXPERT (Private Bar and Attorneys)

10:45 – 12:15: CASE FILE MANAGEMENT: GETTING ORGANIZED (Investigators)

12:15 – 1:30: LUNCH

1:30 – 3:00: LECTURE ON IMPEACHMENT (Attorneys)

1:30 – 3:00: INTERVIEWING AND TAKING OF STATEMENTS (Investigators)

3:00 - 5:00: BREAKOUT SESSION – IMPEACHMENT EXERCISES (Attorneys; Students and/or Investigators acting as witnesses)

THURSDAY, JANUARY 18, 2018

9:00 - 10:00: LECTURE: NEW AGE OF INVESTIGATION AND INVESTIGATION THE EVIDENCE: SOCIAL MEDIA EXTRACTION TO CELL PHONE ANALYSIS (Attorneys and Investigators)

10:00 – 10:45: MOCK CASE SCENARIO –WORKING AS A TEAM TO CREATE AN INVESTIGATIVE PLAN (Attorneys and Investigators)

10:45 – 11:00: BREAK

11:00 - 12:00: LECTURE – INTRODUCTION OF EVIDENCE – THE “DANCE” (Attorneys)

11:00 – 12:00: CRIME SCENE INVESTIGATION (Investigators)

12:00 – 1:00: LUNCH

1:00 - 3:00: BREAKOUT SESSIONS – INTRODUCTION OF EVIDENCE (Attorneys, Students and/or Investigators acting as witnesses)

3:00 - 3:15: BREAK

3:15 -- 4:15: LECTURE: OBJECTIONS AND MAKING A RECORD ON APPEAL (Attorneys)

3:15 – 4:15: REPORT WRITING AND TESTIFYING (Investigators)

4:15 – 4:45: BRAINSTORMING CURRENT CASES; WRAP-UP (Attorneys and Investigators)

PUBLIC DEFENDER SERVICE CORPORATION

Memo

To: Stephen P. Hattori; Cathy A. Gogue, Directors

From: Robbie T. Call, Chief Investigator

cc: Investigation Section

Date: January 23, 2018

Re: Trial Skills Training January 17 & 18, 2018 (Shanks, Kindlon, Downs training)

Buenas yan hafa adai,

The investigation section received five hours of specific investigation training from Faheemah Downs Deputy Chief Investigator from the Public Defender's office of Washington District of Columbia. Training was specific to case file management, interviewing & taking of statements, crime scene investigations, & report writing. Mrs. Downs provide her professional knowledge and experiences in these areas, and allowed for open discussions with our investigators in the comparison and critiquing of investigative practices. Mrs. Downs is well versed and provided some new insights to investigation techniques that broadened our train of thought. Examples of these techniques are utilizing background software such as Clear or TLO (TLO being least expensive); creating conjunction timelines for victims, witnesses, and clients; developing a family tree for cases involving multiple relationships (obviously useful in Guam); utilizing the PEACE method of interviewing and not the Reid technique; cell phone triangulation technology (useful for contracted not prepaid phones); and developing an investigative plan (to-do-list) with attorneys.

For the remainder of the time at this two day training, investigators played actors for role-playing attorneys regarding impeachment of witnesses & introducing evidence. Investigators also benefited from the lectures by attorneys Kindlon and Shanks.

Thank you for the opportunity to receive this training and we hope for more opportunities in the future.

Robbie T. Call

Public Defender Service Corporation-Alternate Public Defender

2018 Staff Development Retreat: RESET, RECHARGE, REBOOT

Final Report

Presented to the PDSC-APD Board of Trustees by:

Cathleen L.G. Moylan
Program Coordinator IV

2018 PDSC-APD Staff Development Retreat Committee

Séa Alvarez
Vera Cruz
Kenneth Lim
Zachary Taimanglo
Audre Hattori
Shannel Mendiola
Lina Taitingfong
Felicia Cruz
Cathleen Moylan

February 2018

Doc. No. 34GL-18-1621.

OVERVIEW

The Public Defender Service Corporation-Alternate Public Defender Staff Development Retreat was held January 19, 2018, at the Gallery at the Hilton Guam Resort and Spa. Approximately fifty (50) staff attended the event.

The theme, "RESET, RECHARGE, REBOOT," was selected by the 2018 PDSC-APD Staff Development Retreat Committee. The theme aptly reflected the Committee's goal: to revitalize, energize and acknowledge staff; provide substantive, relevant and fun activities; and produce meaningful outcomes.

The retreat agenda included four (4) main sessions: Session 1: PDSC-APD-Why You Matter; Session 2: Ethics; Session 3: Strategic Plan; and Session 4: Team-Building Activities. Other retreat activities and outcomes included a staff photo, staff retreat shirts, raffle, and surveys. The agenda is attached, Attachment 1.

The retreat involved significant contributions from the Committee, staff and management. Session 1 involved coordination/communication with community leaders and clients. Session 3 required a pre-retreat staff survey and additional efforts to determine the status of the Strategic Plan Projects, to acknowledge staff contributions and to encourage continued staff participation in the Strategic Plan process. It also involved the assignment of new team leaders tasked (1) to review and provide an overview of each strategic focus area (SFA), (2) to recruit members and (3) to continue to lead their respective SFAs. Session 4 was the result of multiple meetings and communications between the Committee, management and the Session 4 Facilitator to identify and confirm the team-building activities.



I am extremely grateful for the Committee's efforts and willingness to address and resolve all the retreat details as a team. The Committee included: Séa Alvarez, Vera Cruz, Kenneth Lim, Zachary Taimanglo, Audre Hattori, Shannel Mendiola, Lina Taitingfong and Felicia Cruz. The Committee's ideas, team spirit and energy were extraordinary.

On behalf of the Committee, I am extending our heartfelt appreciation to the staff and management for its support and participation throughout the retreat process.

SESSION SUMMARIES

Session 1: PDSC-APD-Why You Matter

This session involved a panel of community leaders, clients and family members who shared their views of PDSC and APD in the community. The session's goal was to convey to staff the importance of their PDSC-APD roles and contributions.

Panel members included Vice-Speaker Therese Terlaje, Senator Mary Torres, Mr. Michael Villagomez, Mr. James Sablan, and Mr. Eric Santos.

Senator Telena Nelson provided a video which was presented at the end of the session. The video is available for viewing.

PDSC-APD Post-Retreat Evaluation Rating for Session 1:

Excellent	Above Average (Above Standards)	Average (Meets Standards)	Needs Improvement	I did not attend this session.
11	9	4	1	1

Session 2: Ethics

Attorney Laurie Shanks addressed various issues regarding non-attorney staff communications with clients and third parties, what constitutes legal advice, and confidentiality.

PDSC-APD Post-Retreat Evaluation Rating for Session 2:

Excellent	Above Average (Above Standards)	Average (Meets Standards)	Needs Improvement	I did not attend this session.
11	11	4	0	0

Session 3: The Strategic Plan

The leaders and members of the five (5) Strategic Focus Areas (SFA) conducted presentations to provide an overview of the goals and objectives and proposed projects. PDSC-APD staff were given the opportunity to select the SFA of their choice. Each SFA discussed proposed projects and plans to complete such.

PDSC-APD Post-Retreat Evaluation Rating for Session 3:

Excellent	Above Average (Above Standards)	Average (Meets Standards)	Needs Improvement	I did not attend this session.
14	4	7	0	1

Session 4: Team Building Activities

The Guam Office of Minority Health (GOMH), a program within the Guam Department of Public Health and Social Services, directed Session 4. GOMH exists to eliminate racial and ethnic disparities, with a focus on under-served and under-represented communities.

Alex Silverio, was the facilitator for this session. The session helped inform and guide the staff in being culturally and linguistically sensitive to clients. It provided a very highly interactive, experiential and participatory training. The agenda for Session 4 is attached, Attachment 1.

At the conclusion of the session, an anonymous survey was distributed to all attendees informing them it would be used as a tool to possibly make the work experiences at PDSC-APD more efficient, productive and with improved workplace morale. Participants were asked the following:

- Rate the current morale level in January 2018 (0-10, 10 as the highest)
- The desired morale rating for March 2018
- Question 1: What is ONE thing YOU can do to improve the current morale in the workplace?
- Question 2: What is ONE thing that the APD or PDSC can do to improve the current morale in the workplace?

The anonymous survey results are contained in the attached report, Attachment 2.

The Committee and management met with Mr. Silverio to discuss the report. Mr. Silverio extended continued assistance to achieve the desired morale rating for March 2018. The Committee recommends continued collaboration with GOMH to achieve the desired morale rating and to make the work experiences at PDSC-APD more efficient and productive.

PDSC-APD Post-Retreat Evaluation Rating for Session 4:

Excellent	Above Average (Above Standards)	Average (Meets Standards)	Needs Improvement	I did not attend this session.
16	7	2	0	1

ATTACHMENT 1

PUBLIC DEFENDER SERVICE CORPORATION-ALTERNATE PUBLIC DEFENDER

STAFF DEVELOPMENT

January 19, 2018

The Gallery

Hilton Guam Resort & Spa

Theme: RESET, RECHARGE, REBOOT

8:00 a.m.	Check-In
8:15 a.m.-8:30 a.m.	Welcome
8:30 a.m.-9:30 a.m.	Session 1: PDSC-APD-Why You Matter
9:30 a.m.-9:50 a.m.	Session 2: Ethics
9:50 a.m.-10:00 a.m.	PDSC-APD Staff Photo
10:00 a.m.-10:15 a.m.	Break
10:15 a.m.-12:00 p.m.	Session 3: Strategic Plan
12:00 p.m.-1:00 p.m.	Lunch
1:00 p.m.-5:00 p.m.	Session 4: Team-Building Activities

Guam Public Defender Service Corporation

and the

Alternate Public Defender

4.0 Hour Staff Development

Friday, January 19, 2018 / 1:00 PM to 5:00 PM
Hilton Guam Resort and Spa Gallery Room

GOMH

Activity Outline

1:00 pm to 1:15 pm — **Introductions, Housekeeping and Ground Rules**
Participants will engage in a group exercise to start the understanding of homogeneity and diversity within small groups. It will encourage self-identity and understanding in preparation of the planned activities.

1:15 pm to 1:30 pm — **Pre-Test: The Cultural World Around Us**
This is a group examination of the basic knowledge of cultural icons, expected knowledge and knowledge retention revolving around culture and language. It will help participants to gauge readiness of addressing multiculturalism from their current perspectives. It will serve as a foundational awareness of what we are expected to understand versus what we actually can recall about the world around us.

1:30 pm to 1:50 pm — **Cultural Rejection, Acceptance & Resolution Activity**
Participants will understand and describe cultural and social acceptance and rejection on a direct level. Randomly-selected participants will encounter situations that they may not be in agreement with and will encounter confrontation and discomfort. Resolution will be made to illustrate how cultural rejection can be corrected with positive outcomes. The facilitator will then ask the group to unify and express their observations and perspectives.

1:50 pm to 2:20 pm — **Workplace Confidentiality Preservation Activity**
Specific workplace scenarios will be discussed where cultural preservation of confidentiality is valued, recognized and preserved. This will illustrate many of the vulnerabilities experienced by clients and consumers. This activity will support the pursuits of discretion, respect and integrity in the handling and processing of protected client information. This activity will create dissonance followed by resolution.

2:20 pm to 2:50 pm — **Cultural Core Beliefs, Knowledge and Behaviors Activity**
This activity will utilize personal movement as expressions of ideological beliefs, attitudes and knowledge of participants. It will allow visual depictions of differences of cultural opinions and practices within a small group. This activity will also underscore the vulnerabilities and personal belief systems that are influenced by peer pressure, unrealistic expectations, opinion-makers, co-workers and associates in a controlled environment. Areas of religion, politics, the arts, science, history, human behaviors and educational levels will be addressed.

2:50 pm to 4:50 pm	**Reset, Recharge, Reboot** This group activity explores and celebrates the unique experiences of all participants in a sequential exchange of symbolism and solidarity. It promotes group cohesiveness through a process of interlinked and randomized connections.
4:50 pm to 5:00 pm	**Post-Test, Evaluations and Questions & Answers Closing Activity / Training Ends**

Disclaimer: Funding for this event was made possible in part, or in whole, by the Guam Office of Minority Health (GOMH). The materials, views and opinions expressed by the speakers, participants and organizers do not necessarily reflect the official policies of the U.S. Department of Health and Human Services (HHS), nor does the display or mention of trade names, commercial practices or organizations constitute endorsements by the U.S. Government or the Government of Guam.

ATTACHMENT 2

Guam Public Defender Service Corporation / Alternate Public Defender
January 19, 2018 Staff Development Anonymous Survey Results

Total Number of Respondents: 42

PDSC Respondents:	32
APD Respondents:	7
Unidentified Respondents:	3
Total	42

The Anonymous Survey was utilized as an element of the 2018 PDSC / APD Staff Development event on January 19, 2018. This survey was distributed to all participants of this event at the Hilton Guam Resort and Spa prior to the closing of the Staff Development event. Participants were informed that this Anonymous Survey would be used as a tool to possibly make the working experiences at the Guam PDSC / APD office more efficient, productive and with improved workplace morale.

Participants were asked to identify the following:

1. The office where they worked: PDSC or APD
2. Their ratings of the current morale level in January 2018
3. Their desired morale rating for March 2018
4. Question 1: What is ONE thing YOU can do to improve the current morale in the workplace?
5. Question 2: What is ONE thing that the APD or PDSC can do to improve the current morale in the workplace?

The responses from 42 respondents have been compiled. Their sentiments and written language was duplicated as closely as possible, including the majority of grammar applications. This was used to preserve the intent of the respondent responses and to prevent misinterpretation of the information provided. Recurring responses were captured and presented in parenthesis form. One respondent used an asterisk in their response and that has been carried into the compiled listing.

This Anonymous Survey facilitates the following:

1. Gives voices and provides informal feedback and sentiments of the workplace experiences;
2. Provides opportunities to communicate
3. Provides perspectives that may not have been considered;
4. Helps identifies possibilities for change;
5. Provides insight on Strengths , Weaknesses, Opportunities and Threats (SWOT)

Morale Poll

1. Current morale rating as of January 2018: 6.33
2. Desired moral rating for March 2018: 8.70

Subsequent polls can be taken monthly, quarterly or as deemed appropriate to measure changes in morale. Use previous time period ratings as reference points to plot changes in morale. It will not be possible to use the same respondents for each polling period; however, the collective respondents will represent the total pool.

What is ONE thing YOU can do to improve the current morale in the workplace?

1. Communicate and make others to feel comfortable to share and do the same
2. Participate more
3. My attitude
4. My job as a trainee, learn and hopefully everyone moves up in life.
5. Work harder to make the best of the best for our people to depend on it and to bring hope for the ones that already lose hope
6. Be kind, not gossip!
7. Be more vocal
8. Fairness & parties
9. Have more team building
10. Learn different sections duties
11. Smile and positive compliments more
12. Help people recognize how fortunate they are for having jobs.
13. More team building activities (2)
14. Work together
15. CLAS
16. Resolve the current conflict with one secretary.*
17. None
18. Be more open-minded
19. Fairness
20. Practice positivity
21. Join in more out of work activities
22. Communicate more effectively. Don't be so passive.
23. Treat everyone well
24. Communication (3)
25. Engage
26. Transparency & fairness
27. Join P.D.S.C. groups & organizations.
28. Have more team building activities.
29. Go around the office and say "Hi".
30. Always be positive; give kudos where kudos are due
31. Be nice and helpful
32. Teamwork between all divisions
33. Understand everyone's roles
34. Encourage & share information

What is ONE thing that the APD or PDSC can do to improve the current morale in the workplace?

1. Communicate and make others to feel comfortable to share and do the same
2. Less required events
3. Communication / Opportunity
4. Teamwork, if our leaders get along
5. Make more laws and Guam more strict, teach all homeless and public people the law ethics they don't know.
6. PDSC needs money to hire eligible workers and resources that will help us to bring justice to the wrong people that were wrongly accused.
7. It starts with a supervisor head that has a good attitude & knows what they can help to improve morale or also be encouraging.
8. Fairness & transparency, promotions and pay raises
9. Communication (3)
10. Encourage those that have completed their duties, offer assistance to fellow workers in completing tasks (theirs)
11. Pay raise
12. Re-evaluate everyone's objectives and goals
13. N/A (2)
14. Show a cohesive front – not pitting one office against the other
15. Work together
16. Do more of this work out. Give everyone pay increase.
17. Help resolve that conflict*
18. Improve relationship between management
19. Enforce rules fairly
20. More properties.
21. Make roles and job duties more clearly defined for positions for which duties are in dispute.
22. Increase salaries
23. Recognition of good work.
24. Improve consistency re: company policy / procedures
25. Better treatment towards employees.
26. Morale / management training
27. Make more parties.
28. Be together when having the activity.
29. Make it easier to communicate between management & employees.
30. New AD
31. Management can periodically check in w/employees
32. More dialogue about expectations and support
33. More participation from both offices for any office related functions.

Prepared and Submitted By: Al Silverio, DPHSS Guam Office of Minority Health (GOMH) / 2.9.18