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
Nathan A. Ho
Theresa G. Rojas

November 20, 2018

2018 NOV 21 AM 11:06

***Hand-Delivered***
Acting Speaker Therese M. Terlaje
*I Mina'trentai Kuåttro Na Liheslaturan Guåhån*
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Speaker Terlaje,

*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, November 20, 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

**ACKNOWLEDGED RECEIPT**

Vice Speaker Therese M. Terlaje

**Received By:** 34GL-18-2589

NOV 21 2018

**Name (please print):** Time: 1140

Received by:

**Date:**

2589

**PUBLIC DEFENDER SERVICE CORPORATION**
**Board of Trustees Regular Meeting**
**Tuesday, November 20, 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, Tuesday, November 13, 2018 |
| B. Notice: 48 Hours | The Guam Post, Friday, November 16, 2018 |

**IV.** **Determination of Quorum**

**V.** **Approval of Minutes:** Regular Meeting of Tuesday, October 23, 2018

**VI.** **Old Business:**

A. Financial Status Update (PDSC and APD) Allotment Releases
B. Public Defender Service Corporation Report – Year End Statistics **(EXHIBIT A)**
C. APD Managing Attorney's Report – Year End Statistics **(EXHIBIT B)**
D. APD Lapse Funds Request for FY2018 **(EXHIBIT C)**
E. DPHSS Legal Assistance Partnership with PDSC

**VII.** **New Business:**

**VIII.** **Public Discussion:**

**IX.** **Adjournment and Next Meeting Date:** Wednesday, December 26, 2018 at 12:30 p.m. in the PDSC conference room.

# Ferocious winds whip up deadly California fires



**23 DEAD:** *Yuba and Butte County Sheriff deputies carry a body bag with a deceased victim during the Camp Fire in Paradise, Calif., Nov. 10. Stephen Lam/Reuters*

PARADISE, Calif. (Reuters) - Two deadly wildfires fueled by "devil winds" tore through opposite ends of California on Sunday, with residents urged to heed evacuation orders by officials forced to leave their own homes.

In northern California, the Camp Fire is one of the deadliest and most destructive in the state's history, killing at least 23 since it broke out on Thursday northeast of Sacramento and consumed much of the mountain town of Paradise. More than 100 were reported missing.




Hundreds of miles to the south, at least two people died in the Woolsey conflagration threatening the wealthy beach community of Malibu, near Los Angeles.

Looting was reported in the southern fire area and arrests were made, police reported.

Hot dry winds expected to blow until Tuesday whipped up the flames and heightened the urgency of evacuation orders, officials said.

"We are entering a new normal. The rate of spread is exponentially more than it used to be," said Ventura County Fire Chief Mark Lorenzen, noting at a press conference that California's fires in 2018 grow far more quickly than they did even 10 years ago.

Several officials urged residents to heed evacuation orders, noting they themselves had followed orders to leave their homes for safety.

"Winds are already blowing. They are going to blow for the next three days. Your house can be rebuilt but you can't bring your life back," said Chief Daryl Osby of the Los Angeles County Fire Department.

Crews pushed forward to achieve 25 percent containment of the Camp Fire in Northern California, which had burned 109,000 acres at the edge of the Plumas National Forest, according to Cal Fire's website. In Southern California, where the Woolsey Fire scorched 83,275 acres, the blaze was only 10 percent contained.

The Camp Fire burned down more than 6,700 homes and businesses in Paradise, more structures than any other California wildfire on record, and the death toll, which could rise, also makes it one of the deadliest.

> "We're putting everything we've got into the fight against these fires and this request ensures communities on the front lines get additional federal aid."
>
> *- California Gov. Jerry Brown in a letter to President Donald Trump*

Only the Griffith Park Fire in 1933 and Tunnel Fire in 1991 have claimed more lives.

Several of the bodies discovered earlier this week were found in or near burned-out cars, police have said. The flames descended on Paradise so fast that many people were forced to abandon their vehicles and run for their lives down the only road through the mountain town.

More than 110 people were reported missing in the fire-scorched area.

Winds of up to 40 mph were forecast to blow in the north and gusts of up to 70 mph, the so-called Santa Ana "devil wind," were expected in Southern California.

The Woolsey Fire doubled in size from Friday night into Sunday threatening thousands of homes after triggering mandatory evacuation orders for a quarter-million people in the upscale beach city as well as other communities in Los Angeles and Ventura counties.

Gov. Jerry Brown asked President Donald Trump to declare a major disaster to bolster the emergency response and help residents recover.

"We're putting everything we've got into the fight against these fires and this request ensures communities on the front lines get additional federal aid," Brown's letter said.

Trump, on a trip to France, said in a Twitter post early Sunday, "With proper Forest Management, we can stop the devastation constantly going on in California. Get Smart!"

The Republican president has previously blamed California officials for fires and threatened to withhold funding, saying the state should do more to remove rotten trees and other debris that fuel blazes.

State officials have blamed climate change and said many of the burn areas have been in federally managed lands.

## Democrats urge acting AG to step aside from Russia probe

WASHINGTON (Reuters) - Top Democrats stepped up pressure Sunday on acting U.S. Attorney General Matthew Whitaker to step aside from overseeing a special counsel probe into Russian meddling in the 2016 U.S. presidential election, vowing to order him to testify early next year.

Representative Jerrold Nadler, the expected incoming chairman of the House Judiciary Committee, said Sunday the committee plans to subpoena Whitaker to testify next year as its first witness.

"He should recuse himself. He has expressed total hostility to the investigation," Nadler said on the ABC News show "This Week." "His appointment is simply part of an attack on the investigation by Robert Mueller."

In a letter to the Justice Department's chief ethics officer, Senate Democratic leader Chuck Schumer, House Democratic leader Nancy Pelosi and other top Democrats asked whether any ethics attorneys at the Justice Department have advised Whitaker to recuse himself and demanded details on any ethics guidance Whitaker has received.

"Allowing a vocal opponent of the investigation to oversee it will severely undermine public confidence in the Justice Department's work on this critically important matter," the letter said.


## NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct its regular scheduled board meeting on **Tuesday, November 20, 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.

# Feds to Butte County: 'You're not going to be able to rebuild Paradise the way it was'

By Dale Kasler
The Sacramento Bee

CHICO, Calif. - Backing away from President Donald Trump's blistering criticisms of California's forest and fire management, top federal officials pledged a unified effort to help Paradise heal from the devastating Camp Fire, but also warned that the Butte County town is years away from full recovery.

"This is going to be a very long, frustrating event for the citizens of Paradise," Brock Long, the administrator of the Federal Emergency Management Agency, told reporters after touring the fire-ravaged community with Interior Secretary Ryan Zinke and California Gov. Jerry Brown.

At least 48 people have been killed in what has become the state's worst wildfire ever.

"We'll be here for several years working this disaster," said Long. "It's not that it's going to take five years to put people back in their homes but if you're striving for a new normal ... what is the goal, what is the vision for where (the communities) want to be?

"You're not going to be able to rebuild Paradise the way it was," he added.

Paradise and neighboring towns will have to decide "what schools get rebuilt or not, or what hospitals get rebuilt or not," he said.

> "Things are not going to get better, they're going to get more challenging."
> – California Gov. Jerry Brown

In the short term, Long pledged to work with Mark Ghilarducci, director of California's Office of Emergency Services, to make sure people can leave emergency shelters soon and "figure out what's for rent, hotels and motels."

With 7,000 homes and other buildings destroyed, Long urged displaced residents to register with FEMA for assistance. Ghilarducci said some residents of Paradise might have to be relocated to rentals "out of the county, a little ways out," at least for the foreseeable future.

"Folks are going to stay in shelters a little while longer," he added.

The news briefing, at the Silver Dollar Fairgrounds in Chico, was noteworthy for the absence of rancor between Brown and the Trump administration officials. The president called Brown Tuesday morning and promised to help the state.

"Let's learn how to do this together," the outgoing Democratic governor told reporters.

### 'Things are not going to get better'

Earlier in the day, he signed an executive order to streamline cleanup and debris removal, and suspend zoning requirements and state-mandated fees for rushing manufactured homes and mobile homes into the area. Brown said he welcomes the Trump administration's help but also returned to his persistent theme that "the changing climate" is making fires worse in California.

"Things are not going to get better, they're going to get more challenging," Brown said.

Zinke refused to endorse Trump's claim that California's forest-management practices are the cause of the state's terrible fires.

"Now is not the time to point fingers," Zinke said. "There are a lot of reasons why these catastrophic fires are happening. ... This is not a state issue, this is not a federal issue, this is an American issue."

Zinke is scheduled to visit Southern California, site of the Woolsey Fire, on Thursday.

Asked about the president's previous claims, he told The Sacramento Bee: "Sometimes out of catastrophe comes greater unity."

Zinke also told The Bee that there is plenty of blame to go around for forests that he said are overgrown with dangerous fire fuels.

"The (U.S.) Forest Service is guilty, the Department of Interior is guilty," he said. He also cited "the court system for allowing these frivolous lawsuits" that hinder government-sanctioned forest-thinning projects.

Zinke's comments followed a series of controversial tweets earlier by President Trump, who said California officials have mismanaged the state's forests and set the table for the extraordinary string of wildfires. Trump's tweets belied the fact that the Camp Fire started in the vicinity of the federal government's Plumas National Forest - and that about 60 percent of the state's forest lands are owned by the feds.

## Top 10 deadliest California wildfires

| | Fire name, cause | Date | County | Acres | Deaths |
|---|---|---|---|---|---|
| 1. | CAMP (Unknown) | Nov. 2018 | Butte | 130,000 | 48 |
| 2. | GRIFFITH PARK (Unknown) | Oct. 1933 | Los Angeles | 47 | 29 |
| 3. | TUNNEL - Oakland Hills (Rekindle) | Oct. 1991 | Alameda | 1,600 | 25 |
| 4. | TUBBS (Under Investigation) | Oct. 2017 | Napa & Sonoma | 36,807 | 22 |
| 5. | CEDAR (Human Related) | Oct. 2003 | San Diego | 273,246 | 15 |
| 6. | RATTLESNAKE (Arson) | July 1953 | Glenn | 1,340 | 15 |
| 7. | LOOP (Unknown) | Nov. 1966 | Los Angeles | 2,028 | 12 |
| 8. | HAUSER CREEK (Human Related) | Oct. 1943 | San Diego | 13,145 | 11 |
| 9. | INAJA (Human Related) | Nov. 1956 | San Diego | 43,904 | 11 |
| 10. | IRON ALPS COMPLEX (Lightning) | Aug. 2008 | Trinity | 105,855 | 10 |

Source: calfire.ca.gov
Graphic: Staff, TNS

Confirmed fatalities as of Nov. 13, 7:30 p.m.


## 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.



**National Association of State Boards of Accountancy, Inc.**
Fiscal Year 2018 Financial Report
in Thousands

| | |
|---|---|
| **Program Revenue** | |
| Examination, licensing and related services | $ 29,885 |
| Member services, dues and other revenue | 823 |
| Total program revenue | 30,708 |
| **Program Expenses** | |
| Examination, licensing and related services | 20,596 |
| Member services | |
| Regulation and public protection | 7,679 |
| Committees and conferences | 1,816 |
| Total program expenses | 30,091 |
| **Other Income** | 2,592 |
| **Increase in Net Assets** | $ 3,209 |
| **Total Assets** | $ 64,988 |
| **Total Liabilities** | $ 9,761 |
| **Total Net Assets** | $ 55,227 |

**Certified to be True and Correct**
**/s/ Michael R. Bryant, CPA**
**Senior Vice President and Chief Financial Officer**

**PUBLIC DEFENDER SERVICE CORPORATION**
**BOARD OF TRUSTEES**
**Regular Meeting**
**of**
**Tuesday, October 23, 2018 – 12:30 PM**
**Public Defender Service Corporation Conference Room**

# MINUTES

## I. CALL TO ORDER:

The meeting was called to order at 12:45 PM by the Chairwoman, Chief Justice Katherine A. Maraman.

## II. ROLL CALL:

| | |
|---|---|
| Present: | Chief Justice Katherine A. Maraman, Chairwoman<br>Attorney Jacque T. Terlaje, GBA President<br>Attorney Donna M. Cruz, Member<br>Mrs. Annette J.U. Ada, Member |
| Absent: | Presiding Judge Alberto C. Lamorena, III (Off-island, Excused) |
| Others Present: | Attorney Stephen P. Hattori, PDSC Executive Director<br>Attorney Richard Dirkx, Deputy Director<br>Ana Maria Gayle, Managing Attorney<br>Cathy Gogue, Administrative Director<br>Michael S. Moreno, Chief Fiscal Officer<br>Bernie Lizama, Personnel Specialist IV<br>Kenneth Lim, Computer Systems Analyst<br>Ely Quenga-Rios, Administrative Assistant<br>Cathleen Moylan, Program Coordinator 4<br>Séa Alveraez, Investigator 2<br>Carly Jones, VISTA AmeriCorp<br>Shannel Mendiola, APD Administrative Assistant<br>Audre Hattori, APD Legal Secretary Supervisor |

Before going through the agenda, Chief Justice Maraman mentioned she received an email from the OPA, Benjamin Cruz, who inquired if PDSC Board minutes are submitted to the OPA. Chief Justice Maraman wanted to know if we received a similar email advising that such submittal. AD Gogue informed Chief Justice Maraman she did not receive the email, and that we normally send the minutes to the OPA, Legislature and Governor's Office within five days of the board meeting date.

## III. PROOF OF DUE NOTICE OF MEETINGS:

"Notice of Public Meeting" was published in the Guam Post on Tuesday, October 16, 2018 and Friday, October 19, 2018.

## 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, August 14, 2018 was made by GBA President Jacque Terlaje and seconded by Attorney Donna Cruz. The minutes were adopted and approved, subject to corrections.**

## OLD BUSINESS:

### A. FINANCIAL STATUS UPDATE

Controller Mike Moreno advised the board that as of September 30th, the Corporation received for FY2018, 87% of its appropriations. We have been operating at such level for this fiscal year. For APD, Controller Moreno reported that PD just received a check from Judiciary, bringing total allotment received for APD at 100%. Relative to the Domestic Violence Program (DVP) funding, we have been awarded $10,000.00 but we are just awaiting receipt of those funds for FY2018. For FY2019, PDSC is operating at 44% after receiving our first check from DOA. For APD, we are still waiting for the MOU for the current fiscal year. Chief Justice Maraman commented that the MOU is finalized and may be going through the appropriate channels. Controller Moreno further informs the board, we are anticipating all FY2018 allotments be received by December 2018. This has been the trend when DOA provides the full allotment for the previous fiscal year.

Chief Justice Maraman inquired if the 44% is the amount requested from DOA. Controller Moreno responded that we have break-down the allotments for twelve months, and submit for the entire month. In meeting with DOA, they have a schedule that they have shared with us for FY2018, and are following this schedule. What we receive from DOA is about $167,000.00 every pay day. Chief Justice also inquired how much payroll is each month and Controller Moreno informed her it is approximately $200,000.00 and with the allotments received each pay day, we are able to meet payroll and for everything else we use lapse funds until we receive reimbursement from DOA. Chief Justice Maraman asked how long DOA will give the 44% and if it will go up to 85%. Controller Moreno mentioned that while we ask for the full amount for the month, DOA follows own schedule, and for now we are stuck at $167,000. This amount for FY2019 is more than last year as we were receiving $149,000.

### B. PDSC EXECUTIVE DIRECTOR'S REPORT (EXHIBIT A)

ED Hattori reported PDSC's FY2018 statistics. He stated that the cases were down by about 200 cases from the previous fiscal year. PDSC currently has two attorney vacancies, but we have filled one with our off-island candidate but he is not on island due to a family emergency. We hope that he will be here in November. We are actively looking to fill the other attorney position which is an Attorney I. Chief Justice Maraman asked if we will have the funds to pay and if we are following the AG opinion with regard to hiring. ED Hattori says the budget bill exempts PDSC from the hiring freeze. Chief Justice Maraman asks that of the cases PDSC is down by, are they felonies? ED Hattori responded that it is hard to say without the stats in front of him but he believes that felony cases have gone up.

## C. APD MANAGING ATTORNEY'S REPORT (EXHIBIT B)

MA Gayle reported APD's FY2018 statistics. They have 421 cases for the year. The breakdown is pre-trial and what type of case for each attorney; pre-trial bench warrants; closed; dismissed; dismissed and expunged cases; what type of case per attorney; pre-bench warrant; closed; dismissed; and dismissed and expunged. We added Attorney Valdez because he was with APD until February in fiscal year 2018. Since his departure, we have transferred all his pre-trial cases.

## D. PDSC NLADA AMERICORPS VISTA MEMBER PROGRAM (EXHIBIT C)

Program Coordinator Cathy Moylan reported that with our VISTA Program, we initially started with two components. One of the components was Community Partnerships and the other as Data Systems. However, early on in the project, one of our VISTA members decided to join another agency but we are happy to report that our Data Systems project is ongoing and our VISTA member is with us, Carly Jones. Since coming on board, she has done a remarkable job and her site supervisor is Séa. They are here today, should you have any questions regarding the project.

AD Gogue adds the project summary was just handed out to the board members that include what the objectives were for the grant. At a previous meeting, we reported having Carly with us and that we are very grateful to have working on our data collection. Séa Alvarez is the Project Coordinator for this component of the grant received. Séa commented that it is nice that the board members were just looking at the stats earlier in the agenda because part of the Data Systems project is about gathering more meaningful stats to better tell our story. Carly has been with us for about a month now and has spent time getting orientated with the justice system as well as our operations and processes at PD and APD. She is assessing the data we are gathering and maintaining as well as reviewing how we can improve data collection. Carly advised the board that she worked on data collection for Republica. Her background, although not in the criminal justice system, she is passionate about data collection and there is a lot of work to be done here.

## E. APD LAPSED FUNDS REQUEST (EXHIBIT D)

MA Gayle reports, at the last board meeting in August, we had requested to use about $9,000 to cover our budget shortfall. However, upon review of the last four pay periods, there was a shortage and asks Controller Mike Moreno to explain the additional funds needed as she was not sure where or how APD is short. Controller Moreno, after receiving the staffing pattern at this point, with the minor adjustment, the staffing pattern should have included the two vacant attorneys. The amount was $1,000,016 and with the calculation going up and down for personnel costs there was an excess of $9,000. For operations, there was a deficit of $19,000.00. The estimated deficiency was at $9,844. Later, I was informed that there were two more employees that had worked during the year and after adding them it came out to the $1,000,033.00 for personnel. Operations had not changed much it was only in personnel that had thrown off the actual lapse funds required for PDSC. After reviewing the figures, and taking the difference between $1,000,016 and $1,000,033, the additional funding required would be about $17,000.00. Chief Justice Maraman asks what the total is needed in lapse funds for FY2018. Controller Moreno informs her, in total, what is needed is $27,000. At the previous board meeting, $10,000 was approved. The difference they need for FY2018 is $17,000. Chief Justice Maraman commented that the court is already working with a bare bones budget. It is not surprising that APD has this shortfall. ED Hattori added that when the shortfall was at $10,000, APD was willing to assume the difference for the current lapses. Now that the total required is $27,000, they would

want to go back to the Judicial Council for an increase in their budget and we are working on changing the MOU for FY2019 to keep their costs down so that this is shortage offset in FY2019. If the MOU goes through, the board may not need to approve this request for additional money from lapse funds at this point. We needed to show that there is an adjustment that needs to be made for the budget shortfall. Chief Justice Maraman states that if APD needs the additional funds for FY2018, that they bring this request at the next meeting.

## VI. NEW BUSINESS:

### A. DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES SENIORS' LEGAL ASSISTANCE PROGRAM (EXHIBIT D)

ED Hattori advised the board that PD is working with Public Health in providing legal assistance to Guam's senior citizens. We have convinced DPHSS that it would be good for our office to team up with Guam Legal Services to fill the void our seniors are accounting relative to legal assistance. Cathy Moylan took the lead in working with DPHSS to have PDSC as a sub-grantee. There is a MOU circulating, it was signed by Public Health and is with the AG's for legal review. The grant will be $192,000 for the remainder of the FY. Some of this money will go to Guam Legal Services for services for the three or four attorneys that will assist in fulfilling the contract. For our office, we will have a Senior Law section with a part-time attorney, Pablo Aglubat, and a social worker. We will also have the other attorneys in the office all being assigned 3-4 cases per month. We should be able to help about 40 to 50 seniors each month. By the end of the year, we plan to help out about 500 seniors.

Attorney Terlaje asked if DPHSS has the authority to enter into a contract with PDSC without the proper procurement processes. ED Hattori will confirm with the AG's office and will try to get a written opinion by the next board meeting. The DPHSS has a similar MOU with the Mayors' Council to provide food services along the same lines.

AD Gogue asks if the board will authorize PDSC to enter into the MOU with DPHSS for the Seniors' Program. Chief Justice Maraman stated that she is not comfortable yet until the board gets the legal opinion. She suggested that this agenda item be tabled and addressed at next board meeting on the 20th of November. This would allow us to get the legal opinion and the resolution for this MOU to move forward. Attorney Terlaje moved to table this matter until the next board meeting. Seconded by Trustee Donna Cruz, and moved for review at the next meeting. There were no objections to this request. Item A is tabled until the next meeting.

### B. 6th BUREAU OF JUSTICE ASSISTANCE (BJA) TRAINING & TECH. ASSISTANCE GRANT (Up-date) (EXHIBIT E)

Program Coordinator Cathy Moylan reported in May of this year, that our office was selected, along with ten other sites across the nation, to receive training and technical assistance to work on our strategic plan to incorporate the principles of the 6th Amendment. The program is for three years, and includes on-site as well as remote technical assistance. What is being planned at this point is an on-site visit which is scheduled for November 6th through November 8th. We already have an agenda set for this visit and we would like to invite the board to join us. What we have planned so far is for Day 1, staff activities with PDSC and APD as well as board members. Therefore, if you are able to join us, it will off-site to include a morning activity and an afternoon case flow mapping exercise with core team members. Day 2 will have entail focus groups and interviews as well as court observations. Day 3 will continue with focus groups and interviews as well as the closing

activity with the core team. We would like to work with the board to see of their availability in order to join us for the start of Day 1. Chief Justice Maraman mentions the only schedule conflict she may have will be on November 6th as there is a security conference for Judiciary.

**C. RECRUITMENT OF ATTORNEYS FROM THE JUDICIARY (EXHIBIT F).**

ED Hattori mentions he submitted an opinion from the AG regarding the attorney pay scale which was never really repealed but they have not given us the opinion because they are being sued by their attorneys. Consequently, they will not issue us an opinion relative to the attorney pay scale. What we would like is to be able to hire law clerks with over one year experience at Attorney 1, Step 4. We would like a blanket authorization to be able to hire them at that step. Attorney Terlaje says she usually does not like blanket rules and would prefer that the next time there is a recruitment, we bring up as it comes instead of the blanket rule. We could also limit the scope of what the blanket rule will be and asks ED Hattori if he has a current fact pattern and if that is why he is asking for this blanket request. ED Hattori states that he does not have one. Chief Justice Maraman advises the board that most attorneys do not seek admission under the temporary practice because it runs the five year time to when they have to take the bar exam. HR Specialist Lizama mentions in reading 4 G.C.A., it states that any person seeking employment with the government as a classified employee will have to start at Step 1 unless authorized. Chief Justice Maraman comments that she is not sure she can authorize the request. She suggest that PD will have to continue above step recruitment on an individual basis. Attorney Terlaje would prefer to individualize the authorization because of the prohibition in the statute, she would like it that in every instance, we are in compliance. Attorney Dirkx says it would make it hard for PDSC to recruit a good candidate and law clerks at the judiciary are highly sought after. Having to wait for a board meeting to tell them what we could offer, we may lose that individual. What we are looking for is a very narrow authorization. AD Gogue added that recently, we hired a law clerk from the court and he took a demotion to join us. This is very unfortunate because he had a counterpart that went to the AG's office and is a step up from him. How we see it is that we should have the ability to bring that individual in at a Step 1 when he should have been Step IV.

Attorney Terlaje says it could be resolved by simply advising the employee that the policy has been to consider it on a case-by-case and that bringing them in at a step above has been approved before.

**VII. PUBLIC DISCUSSION:**

None.

**VII. ADJOURNMENT AND NEXT MEETING DATE:**

There being no further discussion, motion was made by GBA President Terlaje and seconded by Attorney Cruz to adjourn the meeting. There being no objections, the next board meeting is tentatively scheduled for Wednesday, December 26, 2018.

Respectfully submitted,

CATHY GOGUE
Secretary

# Agenda Item #VI-B

# Year End Statistics

PUBLIC DEFENDER SERVICE CORPORATION

## FY2018 OPENED CASES

| ATTORNEY | Criminal Appeals | Civil Case | Consultation Matters | Criminal Felony | Criminal Misdemeanor | Domestic | Juvenile Delinquent | Juvenile Drug Court | Juvenile Guardianship | Juvenile PINS | Juvenile Status Offense | Protective Order | Special Proceedings | Grand Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ali N. Nusbaum | | | 1 | 45 | 74 | | | | 1 | | | | | 121 |
| Alisha L. Molyneux | | | 1 | 36 | 55 | | | | | | | 18 | 1 | 111 |
| Clyde Lemons, Jr. | | | 1 | 19 | 3 | | | | | | | | | 23 |
| Earl Anthony V. Espiritu | | | 1 | 14 | 87 | | 33 | | 1 | | 1 | | 1 | 138 |
| Jocelyn M. Roden | | | 1 | 40 | 47 | | | | | | | 17 | 2 | 107 |
| Kristin D Smith | | | | | 9 | 1 | 24 | 1 | 15 | 2 | 2 | 2 | 1 | 57 |
| Kristine B. Borja | | | | | 42 | | 38 | | 12 | 7 | 3 | 11 | 2 | 115 |
| Nathan A. Ho | | | | | 1 | | 3 | | 6 | | 1 | | 1 | 12 |
| No attorney currently assigned | | | | 1 | | | | | 1 | | | 2 | | 4 |
| Peter J. Sablan | | | | 59 | 47 | | | | 1 | | | | 3 | 110 |
| Richard S. Dirkx | | 1 | 1 | 42 | 50 | 1 | | | | | | 21 | 3 | 119 |
| Rocky P. Kingree | | | | 57 | 40 | | | | 2 | | | | 1 | 100 |
| Stephen P. Hattori | 4 | | 3 | 121 | 11 | | | | 17 | | | | 3 | 159 |
| Theresa G. Rojas | | 1 | | 64 | 12 | | | | 13 | 15 | 10 | | 1 | 116 |
| William B. Jones | | | 2 | 51 | 22 | | 1 | | 27 | 19 | 9 | | 1 | 132 |
| William C Bischoff | 1 | | 1 | 65 | 32 | | | | 2 | | | | 1 | 102 |
| Zachary C. Taimanglo | 3 | | 1 | 59 | 24 | | | | 2 | | | | 1 | 90 |
| **Grand Total** | **8** | **2** | **13** | **673** | **556** | **2** | **99** | **1** | **100** | **43** | **26** | **71** | **22** | **1616** |

October 16, 2018

Source: AbacusLaw

PDSC M.I.S.

PUBLIC DEFENDER SERVICE CORPORATION

# FY2018 CLOSED CASES

| ATTORNEY | Civil | Consultation | Criminal Appeal | Domestic | Felonies | Juvenile Delinquent | Juvenile Drug Court | Juvenile Proceedings | Misdemeanor | Protective Order | Special Proceedings | Grand Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Amber Robinson | 1 | | | | | | | | 5 | | | **6** |
| Alisha Molyneux | | | | | 17 | | | | 38 | 7 | 1 | **63** |
| Ali Nusbaum | | | | | 37 | | | | 131 | | | **168** |
| Brian Kegerreis | | | | | 3 | | | | 36 | | | **39** |
| Clyde Lemons | | | | | 15 | | | | 3 | | | **18** |
| Eric Miller | | | | | 1 | | | 7 | 8 | | | **16** |
| Eric Overton | | | | | 1 | | | | 18 | | | **19** |
| Earl Espiritu | | | | | 3 | 5 | | | 13 | | | **21** |
| Haih Huynh | | | | | 3 | | | | 9 | | | **12** |
| Jane Kennedy | | | | | 1 | | | | 2 | | | **3** |
| Jocelyn Roden | | 1 | | | 35 | 11 | 18 | 2 | 31 | 11 | 1 | **110** |
| James Mortland | | | | | 2 | | | | 5 | | | **7** |
| Kristine Borja | | 2 | | | | 32 | 9 | 33 | 29 | 6 | | **111** |
| Kristin Smith | | | | | 1 | 54 | 11 | 32 | 15 | 8 | 1 | **122** |
| Kathleen Maher | | | | | | | | | 1 | | | **1** |
| Loretta Guttierez-Long | | | | | 2 | 1 | | 1 | 4 | | | **8** |
| Maria Fitzpatrick | | | | | 15 | | | | 27 | | | **42** |
| Mikaela Henderson | | | | | 7 | | | | 11 | | | **18** |
| Nathan Ho | | | | | | 5 | 1 | 7 | 1 | | | **14** |
| Peter Sablan | | | | | 56 | 12 | | 4 | 39 | | 2 | **113** |
| Pablo Aglubat | | | | | 16 | | | | 78 | | | **94** |
| Raymond Ilagan | | | | | 16 | | | | 25 | | | **41** |
| Rebecca Warfield | | | | | 1 | | | | 4 | | | **5** |
| Rocky Kingree | | | | | 38 | | | | 21 | | 1 | **60** |
| Richard Dirkx | 1 | 1 | | 2 | 53 | | | | 95 | 12 | | **164** |
| Stephen Hattori | | 1 | 1 | | 52 | | | 31 | 21 | | 3 | **109** |
| Suresh Sampath | | | 1 | | 13 | | | | 41 | | | **55** |
| Terrance Long | | 1 | | | 18 | | | | 19 | | | **38** |
| Theresa Rojas | | | | | 3 | | | 11 | 1 | | 1 | **16** |
| UNASSIGN | | | | | 1 | | | | | 1 | | **2** |
| William Jones | | 2 | | | 28 | 1 | | 53 | 50 | | 2 | **136** |
| William Bischoff | | 1 | | | 29 | | | | 14 | | | **44** |
| Zachary Taimanglo | | 2 | | | 27 | | | | 17 | | 2 | **48** |
| **Grand Total** | **2** | **11** | **2** | **2** | **494** | **121** | **39** | **181** | **812** | **45** | **14** | **1723** |

# Agenda Item #VI-C

# Year End Statistics

# ALTERNATE PUBLIC DEFENDER
# FY2018 TOTAL INCOMING CASES

| Atty | FY2018 RECEIVED | PRE-TRIAL | DFRD | POST | PRE-BW | CLOSED | DISMISS | DISM-DFRD | TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| Gayle | 84 | 41 | 2 | 12 | 5 | 17 | 5 | 2 | **84** |
| Morrison | 78 | 36 | 4 | 7 | 2 | 23 | 5 | 1 | **78** |
| Spivey | 80 | 53 | 0 | 11 | 1 | 15 | 0 | 0 | **80** |
| Lorig | 96 | 53 | 0 | 23 | 1 | 13 | 5 | 1 | **96** |
| Flynn | 77 | 30 | 7 | 18 | 6 | 12 | 4 | 0 | **77** |
| *Valdes | 6 | | | 3 | | 3 | | | **6** |
| TOTAL | 421 | 213 | 13 | 74 | 15 | 83 | 19 | 4 | **421** |

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# ALTERNATE PUBLIC DEFENDER
## PRE-TRIAL NUMBERS per ATTORNEY
## As of Ending FY2018 (9-30-18)

| | FELONY | | | | | MISDEMEANOR | | | | FAMILY | | SPECIAL | | | BW | SUBTOTALS | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ATTORNEY | ADC-FEL | DUITRF-F | FAMVIO-F | GENJUR-F | VETERAN | ADC-MIS | DUITRF-M | FAMVIO-M | GENJUR-M | PINS | DELINQUENT | SP | APPEAL | CIVIL | PRE-BW | FELONY | MISDEMEANOR | FAMILY | SPECIAL | BW | PRE-TRIAL STATUS | GRAND TOTALS |
| A.GAYLE | 5 | 4 | 4 | 29 | 1 | | 2 | | 4 | 1 | 4 | | | 1 | 30 | 43 | 6 | 5 | 1 | 30 | 55 | **85** |
| J.MORRISON | 11 | | 2 | 30 | | | | | 3 | | | | 1 | | 13 | 43 | 3 | 0 | 1 | 13 | 47 | **60** |
| J.SPIVEY | 11 | 2 | 13 | 42 | | | | 1 | 2 | | | 1 | 2 | | 8 | 68 | 3 | 0 | 3 | 8 | 74 | **82** |
| L.LORIG | 6 | | 1 | 4 | | | 1 | 2 | 3 | 33 | 25 | | | | 6 | 11 | 6 | 58 | | 6 | 75 | **81** |
| S.FLYNN | | | | 2 | 1 | | 3 | 13 | 9 | 2 | 5 | | | | 8 | 3 | 25 | 7 | | 8 | 35 | **43** |
| FORMER | | | | | | | | | | | | | | | 85 | | | | | 85 | | **85** |
| **SUBTOTAL** | **33** | **6** | **20** | **107** | **2** | **0** | **6** | **16** | **21** | **36** | **34** | **1** | **3** | **1** | **150** | **168** | **43** | **70** | **5** | **150** | 286 | **436** |
| | ADC-FEL | DUITRF-F | FAMVIO-F | GENJUR-F | VETERAN | ADC-MIS | DUITRF-M | FAMVIO-M | GENJUR-M | PINS | DELINQUENT | SP | APPEAL | CIVIL | PRE-BW | FELONY | MISDEMEANOR | FAMILY | SPECIAL | PRE-BW | PRETRIAL STATUS | GRAND TOTALS |

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# ALTERNATE PUBLIC DEFENDER
# FY2018 4th QTR
# INCOMING CASES

| | FELONY | | | | | MISDEMEANOR | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Atty | DUITRF | FAMVIO | ADC | VETERAN, M-HEALTH | GEN-JUR | DUITRF | FAMVIO | ADC | GEN-JUR | JUV-DEL | JUV-PINS | APPEAL | SPECIAL | TOTAL |
| Gayle | 2 | 1 | 3 | 1 | 15 | | | | | | | | | **22** |
| Morrison | | | 4 | | 13 | | | | 1 | | | | | **18** |
| Spivey | 1 | 5 | 3 | | 8 | | | | 1 | | | 2 | | **20** |
| Lorig | | | 1 | | | | | | 1 | 8 | 17 | | | **27** |
| Flynn | | | | | 2 | 4 | 6 | | 6 | 3 | | | | **21** |
| TOTAL | 3 | 6 | 11 | 1 | 38 | 4 | 6 | 0 | 9 | 11 | 17 | 2 | 0 | **108** |

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# Agenda Item #VI-D

# APD Lapse Funds Request for FY2018

## ALTERNATE PUBLIC DEFENDERS
## OPERATIONS EXPENDITURES BY OBJECT CLASS FY2018
## 12 MONTHS ACTUAL

| OBJ_CLASS | OC | 2017-10 | 2017-11 | 2017-12 | 2018-01 | 2018-02 | 2018-03 | 2018-04 | 2018-05 | 2018-06 | 2018-07 | 2018-08 | 2018-09 | Total Operations |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 220 | TRAVEL-OFF ISL/LOCAL MILEAGE REIMB. | | | | | | | | | | $0.00 | $0.00 | $0.00 | $0.00 |
| 230 | CONTRACTUAL SERVICES | $16,715.68 | $4,926.04 | $10,060.52 | $2,624.33 | $1,655.98 | $2,676.08 | $5,377.50 | $1,786.24 | $4,612.41 | $1,868.78 | $1,500.00 | $1,500.00 | $57,305.15 |
| 233 | OFFICE SPACE RENTAL | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $5,508.00 | $66,096.00 |
| 240 | SUPPLIES & MATERIALS | $2,920.11 | $326.93 | $413.38 | $472.50 | $0.00 | $0.00 | $15.00 | $0.00 | $45.65 | $352.16 | $450.00 | $0.00 | $4,694.13 |
| 250 | EQUIPMENT | $11,990.21 | $4,680.98 | $8,118.68 | $0.00 | $0.00 | $0.00 | $1,143.00 | $0.00 | $568.74 | $0.00 | $0.00 | $0.00 | $26,501.61 |
| 270 | WORKERS COMP BENEFIT | $0.00 | | | | | | | | | | | | |
| 271 | DRUG TESTING CHARGES | $0.00 | $56.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $56.00 |
| 290 | MISCELLANEOUS | $0.00 | $138.25 | $1,864.00 | $10,974.76 | $0.00 | $0.00 | $0.00 | $100.00 | $0.00 | $100.00 | $50.00 | $50.00 | $13,177.01 |
| 361 | POWER | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| 362 | WATER/SEWER | | | | | | | | | | | | | $0.00 |
| 363 | TELEPHONE | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.60 |
| 450 | CAPITAL OUTLAY | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Grand Total | | $37,134.00 | $15,636.20 | $25,964.58 | $19,579.59 | $7,163.98 | $8,184.08 | $12,043.50 | $7,394.24 | $10,734.80 | $7,828.94 | $7,508.00 | $7,058.00 | $167,830.50 |

Assumptions:
No additional expenditures for the following Object Categories

250 EQUIPMENT
271 DRUG TESTING CHARGES
363 TELEPHONE
450 CAPITAL OUTLAY

| | | Personnel | Operations |
|---|---|---|---|
| $1,110,501 | Budget Per MOU | $1,025,922 | $84,579 |
| $1,127,902 | | $1,022,471 | $105,431 |
| | Net Excess (Deficiency) | $3,451 | -$20,852 |
| | Est Deficiancy for FY 2018 | -$17,401 | |
| | Approved BOT Meeting Aug 2018 | $10,000 | |
| | Additional for FY 2018 | -$7,401 | |

| | | |
|---|---|---|
| Use of Prior Years ' Lapsed Funds | As at Sep 2018 | $79,801 |
| Balance Lapsed Funds | | $147,742 |