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M&C Fwd: PDSC's FY2019 CCR

1 message

Speaker's Office <speaker@guamlegislature.org> Mon, Nov 9, 2020 at 9:36 AM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

11/06/20	5:13 PM	11/06/20	FY2019 Citizen Centric Report.*	Public Defender Service Corporation	35GL-20-2419

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Cathy Gogue** <cgogue@guampdsc.org>
Date: Fri, Nov 6, 2020 at 5:13 PM
Subject: PDSC's FY2019 CCR
To: Speaker's Office <speaker@guamlegislature.org>

Hafa Adai Speaker Muña Barnes,

Attached is Guam Public Defender Service Corporation's FY2019 Citizen Centric Report.

If you have any questions or concerns regarding the attached, please feel free in letting me know.

Warmest regards,

Cathy Gogue

Administrative Director

Guam Public Defender Service Corporation

779 Route 4

Sinajana, Guam 96910

Tel: (671) 475.8301

Website: guampdsc.org

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CCRFY2019.pdf
2890K

PUBLISHED

AUGUST 2020

FISCAL YEAR 2019

Public Defender Service Corporation

Citizen Centric Report

About PDSC—Our History

The Public Defender Service Corporation originally existed under the Judicare Program that was initiated on September 25, 1968 with the Department of Public Health and Social Service. The organization was comprised of six (6) employees, which were: the Public Defender, Attorney II, Administrative Law Secretary, Special Investigator and a General Helper. The organization was conceived to render legal advice and counseling to indigents in civil, criminal and juvenile proceedings.

On March 30, 1972, Public Law 11-128 repealed Subchapter E of Chapter II, Title 10 of the Government Code of Guam, adding a new Title LXIII (63), Chapter I, establishing a separate Office of the Public Defender. Among its provisions were: 1) the appointment of the Public Defender by the Governor, and 2) the authority given to the Public Defender to appoint other personnel that will accomplish the objectives of the office.

In 1975, Bill Number 291 became Public Law 13-51 (12 GCA, Chapter 11), establishing the Public Defender Service Corporation (PDSC) and creating a Board of Trustees for the organization, entrusting it with the governance of the Corporation. The Legislature enacted Public Law 27-104, Section 3, §11107 providing that the Board of Trustees be compromised as follows:

- Chief Justice of the Supreme Court of Guam (who shall be Chairman)
- Presiding Judge of the Superior Court of Guam (who shall be Vice-Chairman)
- President of the Guam Bar Association
- 4th and 5th seats are appointed by the Chief Justice of the Supreme Court of Guam, whose terms shall be for 3 years.



Core Values

Priorities for the organization continue to be client as well as team driven—ensuring that we continue to serve as an integral part of our diverse community. We continue our commitment to provide our clients, employees and general public with respect; that we're responsive to their needs; that we're efficient with what we do and that we remain innovative as we collaborate with stakeholders to make for a better organization that helps provide indigent defense to those individuals unable to afford private counsel.

Mission

We exist to provide effective legal assistance to those unable to afford private counsel, thereby ensuring equal protection of their lawful rights, in accordance with prescribed ethics, laws, rules and regulations.

Our Team

EMPLOYMENT STATUS	2017	2018	2019
Unclassified	2	2	2
Classified	47	48	48
Limited Term Employment	3	3	3



Table of Contents

ABOUT PDSC—OUR HISTORY	1
PERFORMANCE	2
FINANCES	3
OUTLOOK	4

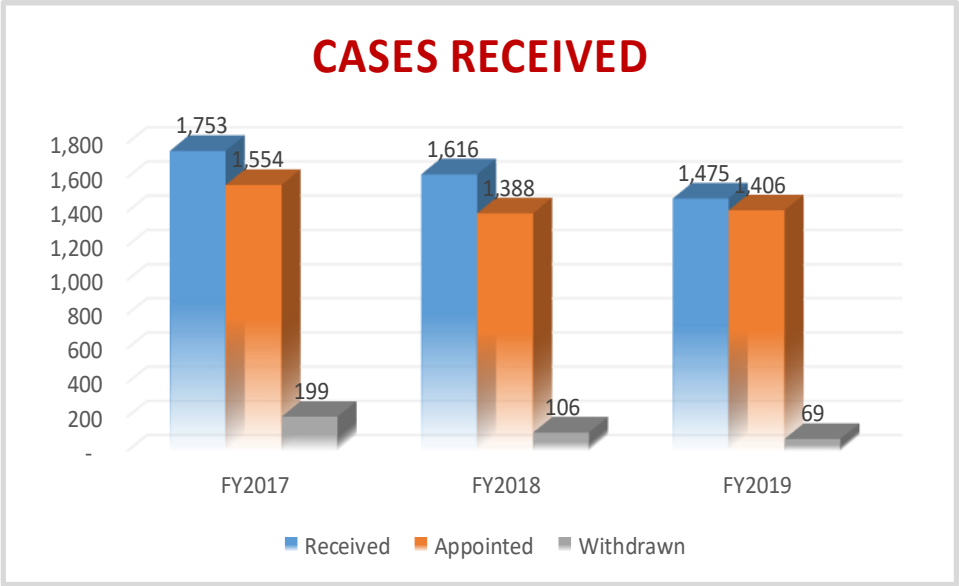
Contact Information
Public Defender Service Corporation
779 Route 4, Sinajana, Guam 96910
Tel: (671) 475.3100

BOARD OF TRUSTEES

Chief Justice Katherine A. Maraman, Chairwoman
Presiding Judge Alberto C. Lamorena III, Vice Chairman
Attorney Jacqueline T. Terlaje, GBA President / Member
Mrs. Annette J.U. Ada, Member
Attorney Donna M. Cruz, Member

Performance Measures

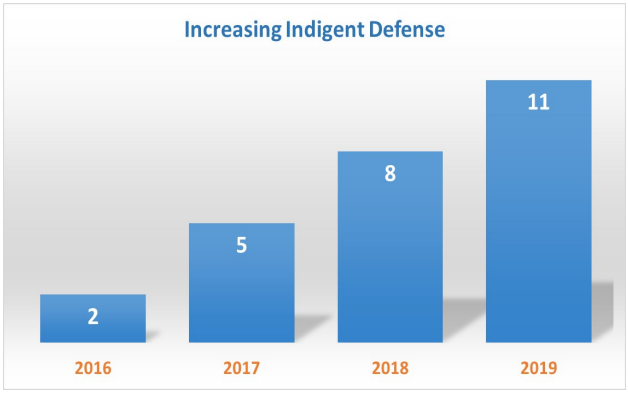
PDSC's court appointed cases for FY2019 continued to show a decrease from cases coming from Judiciary of Guam (JOG). These Corporation numbers do not correlate with that of JOG as the court has seen a slight increase in cases for FY2019. The JOG increase is attributed to non-criminal filings such as civil, domestic, adoption, and protective order cases.



While there were fewer court appointed cases from the previous year, the attorneys at PDSC continued increased activity in jury trials as well as appellate work. The Corporation also continued its work with the Bureau of Justice Assistance (BJA), to provide Training and Technical Assistance (TTA) through BJA's Sixth Amendment program to develop attorney performance standards for PDSC and APD that will help improve attorney effectiveness while in court.

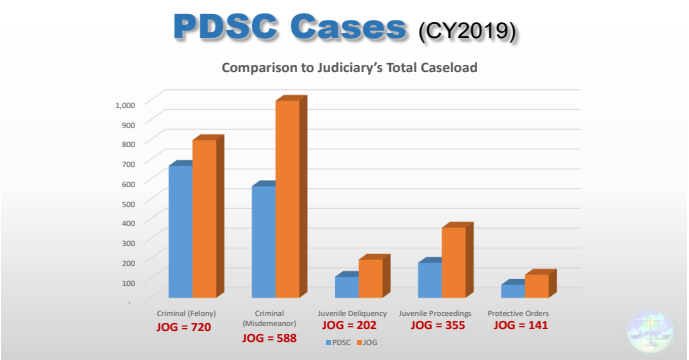
Appeals (2016—2019)

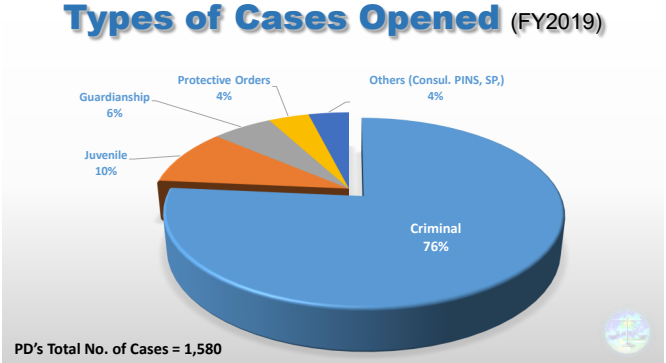
The Supreme Court of Guam (SCOG) has jurisdiction to hear appeals over any case decided by the Superior Court of Guam or other courts created by Guam law. In FY2019, the SCOG recorded twenty (20) appeals , compared to fifteen (15) cases in the previous year. Comparing these numbers to that of PDSC, in FY2018, the Corporation was slightly over half the number of cases filed. In FY2019, PDSC's appeals made up 55% of the total number of appeals filed. Over the past couple of fiscal years, the Corporation has made a concerted effort to dedicate attorneys in the office to do appellate work while still handling a criminal caseload. This change has proven to be fruitful as we see and experience more activity in the Supreme Court.



Caseload Activity

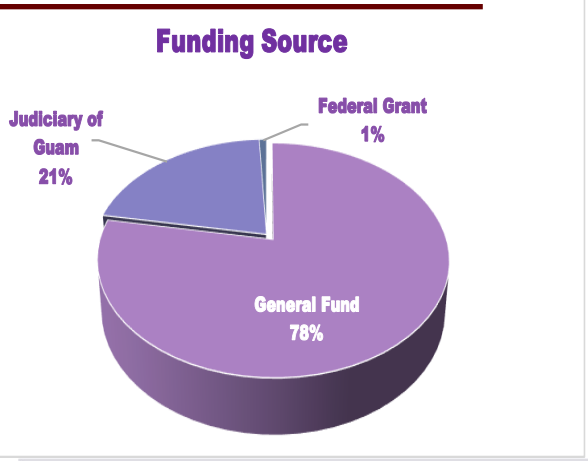
The total number of criminal cases filed in the Superior Court of Guam, PDSC took a bulk of the work in FY2019. Of these cases received (1,580), Criminal Felony and Criminal Misdemeanor took up 76% of the workload . As we continue to represent Guam's indigent, we hope to provide our clients with holistic defense—assisting them to connect with the right social services—in hopes to reduce recidivism in our community.



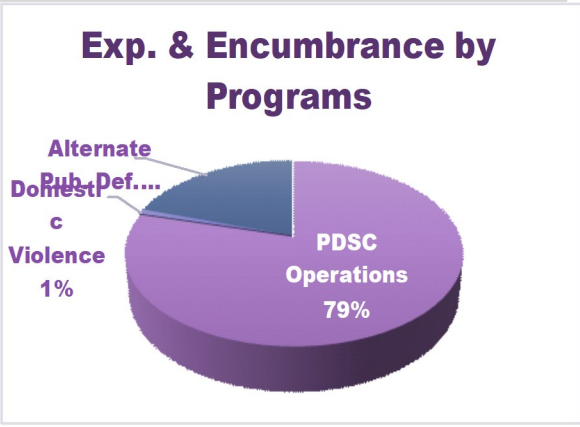


Our Finances

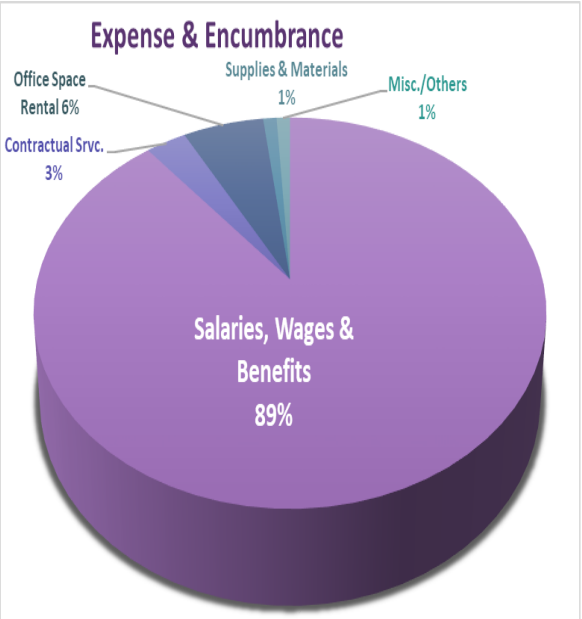
APPROPRIATIONS and OTHER SOURCES					
Funding Source	**2017**	**2018**	**2019**	**% Change**	**Trend**
General Fund	$3,447,562	$3,339,737	$4,344,170	**23%**	↑
Judiciary of Guam	1,057,942	1,110,501	1,193,248	**6%**	↑
Federal Grant	38,086	14,422	44,752	**67%**	↑
Total Approp. & Other Sources	**$4,543,590**	**$4,464,660**	**$5,584,189**	**20%**	↑



EXPENDITURES and ENCUMBRANCES					
Programs	**2017**	**2018**	**2019**	**% Change**	**Trend**
PDSC Operations	$4,148,347	$4,391,556	$4,138,259	**-6%**	↓
Domestic Violence	38,086	14,422	44,752	-	-
Alternate Pub. Def.	1,091,432	1,022,471	1,046,107	**2%**	↑
Total Programs	**$5,277,865**	**$5,428,449**	**$5,229,118**	**-3%**	↓



Exp. & Encum.	2017	2018	2019	% Change	Trend
Sal., Wages & Bens.	$4,633,371	$4,815,581	$4,651,949	-4%	↓
Contractual Services	160,837	164,843	145,077	-14%	↓
Office Space Rental	339,024	339,696	339,696	-	
Supplies & Mat.	39,202	17,069	26,889	36%	↑
Equipment < $5,000	$20,837	$28,851	14,004	-106%	↓
Drug Testing	360	216	200	-	
Misc./Others	74,119	47,771	44,796	-6%	↓
Capital Outlay	$10,072	$0	$0	0%	↓
Off Island Travel	0	0	6,507	100%	↑
Total Exp. & Enc.	**$5,277,865**	**$5,414,027**	**$5,229,118**	**-3%**	↓



PDSC's is included in the Government-Wide annual audit. The audit for fiscal year 2019 resulted in a clean audit opinion. The complete financial information can be found at http://www.http://guampdsc.org/about-us/additional-information/citizen-centric-report/

Future Challenges & Economic Outlook

Future Outlook

While FY2018 looked a bit more dismal than FY2019 financially, we were able to move initiatives forward and continue processes within the office to ensure effective legal services are provided to our clients. Some of the initiatives we will continue to move forward as follows:

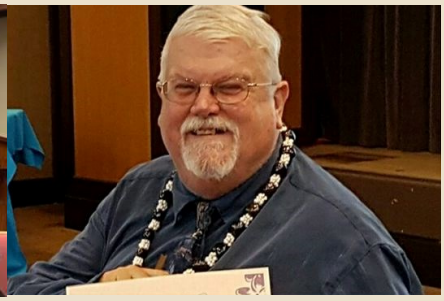
1. *Continue to build on data collection through the National Legal Aid & Defender Association (NLADA) grant that modernizes the Corporation's approach to evidence-based practices, data management and community partnerships.*
2. *Close-out the Bureau of Justice Assistance's (BJA) Training & Technical Assistance (TTA) grant for Strategic Planning that allows PDSC to integrate best practices that ensure the Sixth Amendment protection of its clients within the judicial system and the best ways to address any identified issues.*
3. *Through BJA's On-Demand National Training and Technical Assistance Center (NTTAC), PDSC obtained assistance through a TTA grant to improve defense practices. NTTAC experts with diverse professional backgrounds across various criminal justice fields are available to the Corporation's attorneys to develop performance standards that will be used to assist clients with their legal defense in and out of the courtroom. The Corporation hopes to finalize these standards in the proceeding fiscal year so that a framework is available for attorneys to follow.*
4. *Build strong partnerships with other government agencies and non-profit stakeholders to build holistic defense for our clients and obtain grant funding that improves indigent defense.*
5. *Continue to improve client-attorney access through in-person contact or virtual technology.*

Challenges

1. *Funding uncertainty and constraints into the new fiscal year.*
2. *Retiring of seasoned attorneys and administrative support staff creating a void of institutional knowledge.*
3. *Questionable independence of counsel due to board structure.*
4. *Lack of standards that provide quality representation.*



Harold "Hank" Parker receives Ancient Order of Chamorri



PDSC Bids Farewell to Harold "Hank" Parker, former PDSC Executive Director who worked with the Corporation from 1977 to 2003. Hank was extremely instrumental in setting the ground work for what is now the Public Defender today.

Farewell to Deputy Director Richard S. Dirkx

After 30-years of government of Guam service, Deputy Director Richard S. Dirkx retired from the Public Defender on October 25th.

Richard's courtroom magic, getting our clients lesser sentences, acquittals or a not guilty verdicts, is something junior attorneys marveled at watching Deputy Director Dirkx in action. His well-deserved retirement is a great loss to indigent defense for the people of Guam.

Congratulations Deputy Director Dirkx!



WE WANT TO HEAR FROM YOU!

Serving the public, PDSC wants to hear if there is other information or data you believe should be included in this report. Please call the Corporation @ 475.3100 or visit us online at www.guamdpsc.org.