



Public Defender Service Corporation *Kotperasion Setbision Defensot Publeku*

FISCAL YEAR 2018

Citizen Centric Report



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Mission

As public servants, the Public Defender Service Corporation ensures equal access to justice and the protection of individual rights by providing legal representation and services to people who cannot afford a private attorney.



Vision

The Public Defender Service Corporation (PDSC) provides the best legal representation and services to those in need. Our professional and dedicated staff are outstanding advocates for our clients, people in need of legal services, and a just society.

Core Values

Based on the priorities of the PDSC, we ensure that our clients, employees and general public are treated with respect; that we're responsive to their needs; that we are efficient with what we do and that we remain innovative as we collaborate with our stakeholders to make for a better organization.



About PDSC

As a part of Guam's judicial system, the Public Defender Service Corporation (PDSC) works with the members of the Board of Trustees to help shape the future of indigent defense for the Guam's underrepresented. Led by Chairwoman, Chief Justice Katherine A. Maraman and Vice Chairman, Presiding Judge Alberto C. Lamorena, III, the board has been instrumental in achieving the goals and objectives of the Corporation's strategic plan.

Created through the Public Defender Service Corporation Act of 1975, the office was established to provide effective legal aid and assistance to those persons in Guam who are unable to afford counsel. It is the duty of the Corporation to defend indigent persons charged in criminal cases before the courts of Guam. The determination of whether a defendant is indigent and whether his case is to be referred to the Corporation shall be at the discretion of the judge before whom such defendant is appearing.

Responsible with these duties, in FY2018, the PDSC received three (3) Training & Technical Assistance (TA) grants that help with effective legal aid. Two of the grants are with the Bureau of Justice Assistance (BJA) and the third one was from the National Legal Aid and Defender Association (NLADA). With the BJA TA grants, PDSC will receive assistance at the start of FY2019 and will continue to receive such assistance in FY2020 for the following awards:

1. 6th Amendment Initiative Strategic Planning Training & Technical Assistance (TTA) which will help PDSC support the Protection of Constitutional Rights for defendants; and
2. On Demand Service that will help the Corporation develop Attorney Standards.

The NLADA TA will help PDSC improve data collection efforts in addition to improving community partnerships that will benefit client services.

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

Physical Address

Public Defender Service Corporation
779 Route 4
Sinajana, Guam 96910

Performance Measures

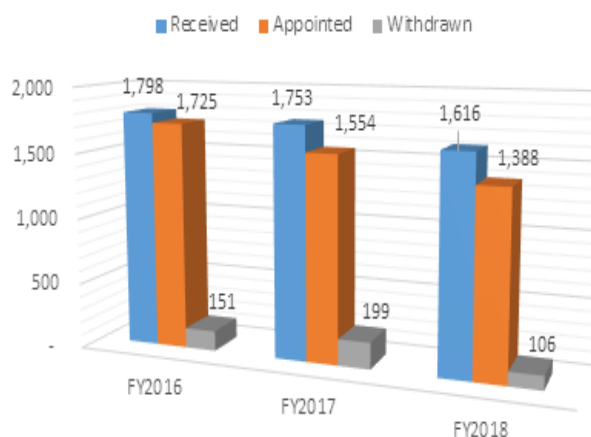
PDSC Caseload

There was a drop in the number of cases filed by the Attorney General of Guam's Prosecution and Family Divisions in FY2018; which caused the Public Defender's numbers to parallel that of the AG's office and the Judiciary of Guam. As with preceding fiscal years, there were fewer cases assigned to PDSC. Despite fewer filings, the attorneys at the Corporation continued with heavy caseloads and an increase in jury trials as well as appellate work. Because everyone has the right to an attorney, public defenders can't choose which cases they take the way private attorneys can. They must take any and every case they are assigned.

PDSC clients are experiencing a greater quality level relative to their legal representation as a result of a more manageable caseload. Guam's Public Defenders are ensuring that their clients' 6th Amendment Rights are not being violated and that the individuals being represented enjoy the right to a speedy and public trial by an impartial jury. That PDSC clients are informed of the nature and cause of their criminal charges. Should a client go to trial, they are able to face witnesses against them; that they have compulsory process for obtaining witnesses in their favor, and that PDSC is able to provide the best legal defense possible.

From the clients that were appointed to the PDSC in FY2018, the attorneys from the office took 23 of their cases to trial. For a majority of these cases, the results were either a favorable plea agreement—which may have meant reduced charges or acquittal—or a not guilty verdict. These successes for the PDSC demonstrate how the Corporation continues to do more with less by zealously advocating for its clients. Collectively, the PDSC works to ensure that effective legal representation is provided to Guam's indigent. Additionally, the office works hard to safeguard the cases that come through the office and are reducing the number of cases that they withdraw from or conflict out of. For FY2018, PDSC withdrew from fewer cases compared to the previous year. Consequently, the number of cases that would generally go either to the Alternate Public Defender or the private attorney panel are significantly lower saving the government of Guam a significant amount of money by keeping the cases with the Corporation.

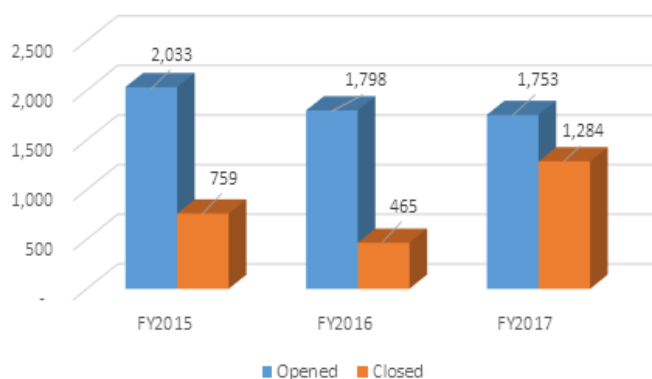
TOTAL CASES APPOINTED OR RECEIVED



Open vs. Closed

PDSC celebrated a banner year in FY2018 of removing and disposing client files that were beyond the Corporation's retention schedule. As a result of adopting a Standard Operating Procedure (SOP) for file closures in FY2017 and following the retention policy, PDSC was able to close 1,772 files in FY2018. This number is up by over 500 files that were moved out of every nook and cranny throughout the office where file boxes could be stored. Prior to the adoption of the File Closure SOP, the office's common area space or vacant rooms became the storage area for boxes that could not be placed in the Record's Division. Today, closed files are stored and organized in proper storage spaces within the Record's room for ease of retrieval and archiving.

OPEN VS. CLOSED

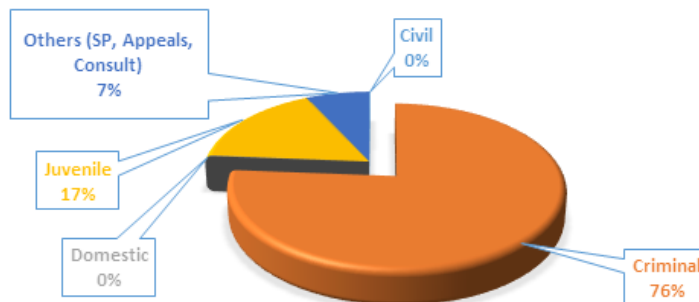


Types of Cases

The Corporation's caseload consisted of 76% of criminal matters. Second to the criminal cases were the juvenile cases at 17% of the PDSC's workload. The remaining cases were for Special Proceedings, Appeals and Consultation.

The types of cases compared to the previous fiscal year showed that criminal matters and juvenile cases being lower compared to FY2017. Relative to civil matters, the numbers were significantly lower at 5%. Since the Board of Trustees has expressed their restriction on PDSC addressing civil matters, there were no new cases that came into the office during FY2018.

TYPES OF CASES



Financials

APPROPRIATIONS and OTHER SOURCES

Funding Source	2016	2017	2018	% Change	Trend
General Fund	\$ 3,735,122	\$ 3,447,562	\$ 3,339,737	-3.13%	↓
Judiciary of Guam	1,107,730	1,057,942	1,110,501	4.97%	↑
Federal Grant	73,671	38,086	14,422	-62.13%	↓
Other Sources	89,188	0.00	0.00	0.00%	·
Total Appropriations and Other Sources	\$ 5,005,711	\$ 4,543,590	\$ 4,464,660	-1.74%	↓

EXPENDITURES and ENCUMBRANCES

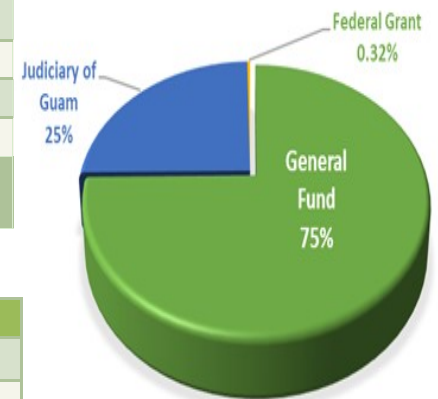
Programs	2016	2017	2018	% Change	Trend
PDSC Operations	\$ 4,055,880	\$ 4,148,347	\$ 4,391,556	5.86%	↑
Domestic Violence	73,768	38,086	14,422	-62%	↓
Alternate Pub. Def.	1,044,397	1,091,432	1,022,471	-6%	↓
Total Programs	\$ 5,174,045	\$ 5,277,865	\$ 5,428,449	3%	↑

Exp. & Encum.	2016	2017	2018	% Change	Trend
Salaries, Wages & Benefits	\$ 4,486,965	\$ 4,633,371	\$ 4,815,581	3.93%	↑
Contractual Services	141,005	160,837	164,843	2.49%	↑
Office Space Rental	337,190	339,024	339,696	0.20%	↑
Supplies & Materials	45,777	39,202	17,069	-56.46%	↓
Equipment < \$5,000	19,237	20,837	28,851	38.46%	↑
Drug Testing	652	360	216	-40%	↓
Utilities	28,864	44	0	-100%	↓
Miscellaneous/Others	74,118	74,119	47,771	-35.55%	↓
Capital Outlay	26,765	10,072	0	-100%	↓
Encumbrances	13,472	0.00	0.00	0.00%	
Total Exp. & Enc.	\$ 5,174,045	\$ 5,277,865	\$ 5,414,027	2.58%	↑

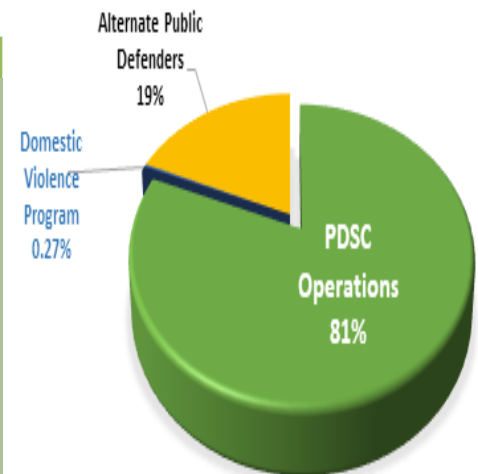
The finances of the Public Defender Service Corporation correlated with that of the Government of Guam's fiscal year. For FY2018, there was a reduction in budgets across the board. While the Corporation requested for \$4,891,655, what was actually authorized by the Legislature was \$4,341,373. Thereafter, GovGuam's realignment, through P.L. 34-87, brought the PDSC's budget to \$4,204,837. With the reduction in the Corporation's budget request and the Fiscal Realignment, PDSC's actual amount received in allotments for FY2018 was \$3,639,987.41. Consequently, the Corporation was short by over \$500K and had to use its reserves to make up for the budget shortfall experience during the fiscal year.

Cost cutting measures were implemented by all three branches of government. For example, the Judiciary of Guam (JOG) suspended the electronic monitoring, delayed hiring and reduced fees for court appointed attorneys. Like JOG, the PDSC substantially reduced its operational expenses, held off hiring unfilled positions—requiring employees to do more with less—as well as delayed any upgrades to its aging network system. Any increases in expenses in FY2018 were literally for mandated expenses to employee benefits that were basically unfunded through the passage of P.L. 34-42.

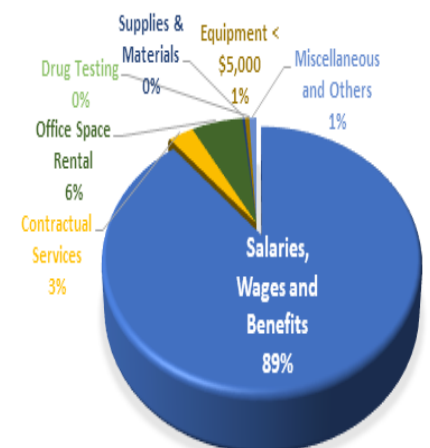
APPROPRIATIONS & OTHER SOURCES



PROGRAMS



EXPENDITURES & ENCUMBRANCES



Future Challenges & Economic Outlook

Future Outlook

With budgetary challenges at the heart of PDSC's vein, the Corporation remained committed to seeking external resources and expertise to improve the delivery of client services. In FY2018, the biggest challenge was GovGuam's finances. Based on the climate within the government, PDSC followed the Judiciary of Guam's lead relative to budget cuts and hiring freezes. Faced with budgetary challenges, the Corporation made significant changes to the way it does business. For the first time in the PDSC's history, the Corporation was able to receive technical assistance from two (2) national organizations—the Bureau of Justice Assistance (BJA) and the National Legal Aid and Defender Association (NLADA). Technical assistance from both these organizations allowed management to assess and improve the delivery of client services; and refine processes that include data collection as well as performance standards that tie into PDSC's existing strategic plan. Two of the grants came BJA and the third grant was from the NLADA. In receiving these three (3) TA grants, the Corporation began the fiscal year preparing for the NLADA program for data collection and community partnerships at the PDSC. As for the BJA grant, weekly teleconferences are planned with the TA's, with a site visit to follow.

Relative to the NLADA grant, this organization partnered with the Corporation for National and Community Service (CNCS) to create an innovative pilot program that is geared toward training AmeriCorps VISTA members in best practices in Community-Oriented Defense and place them in public defense agencies in order to put these principles into practice and establish systems for ongoing sustainability. The AmeriCorps VISTA project allowed NLADA to provide boots on the ground at public defense offices in dire need of modernizing their approach to evidence-based practices, data management and community partnerships. Fortunate for the PDSC, two (2) VISTA members were assigned to PDSC to help with data management and community partnerships. The Corporation selected Carly Jones and Julio Gomez to work on data management and community partnerships, respectively. Over the course of the 12-month term of service, these members would perform activities such as building community partnerships within their host communities and developing data systems and analysis methods to drive evidence-based practices by the host organizations—PDSC.

Excited to start these VISTA members to assist PDSC, the Corporation made the necessary office adjustments to bring these individuals onboard. Unfortunately, at the onset of the program, the Community Partnership member had to withdraw due to a conflict in their personal schedule. The Data Systems Volunteer began the program at the end of the fiscal year (September 2018). PDSC is excited to see the suggested improvements Carly will recommend to the office relative to data collection and how it will affect client services. Carly is expected to complete her assessment and recommendations by August 2019.

Relative to the 6th Amendment Initiative Strategic Planning Training & Technical Assistance (TTA) grant, the PDSC is hoping that the review and guidance provided by TA's will allow the Corporation to ensure that the processes that exist within the organization ensure that all PDSC clients' 6th Amendment rights are protected. The Corporation would also like to see that as work continues with the TA's that such recommendations are incorporated in the Strategic Focus Areas (SFA) identified in the Corporation's aging strategic plan that was launched in 2015. In committing to this project, management is hopeful that the PDSC will gain a deeper understanding and appreciation as to the current state of Sixth Amendment protections within systems, and the best ways to address any identified issues. This BJA grant will provide assistance in creating strategic, individualized TTA plans by conducting a thorough needs assessment rooted in an approach that combines research and practice.

PDSC looks forward to sharing the results in the Corporation's 2019 Citizen Centric Report.



Training our team and allowing them to become

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 the office on the top of the hill in Sinajaña.



Frederick Jones <fjones@guamopa.com>

Fwd: Public Defender CCR

1 message

Vincent Duenas <vduenas@guamopa.com>

Mon, Mar 29, 2021 at 1:13 PM

To: Frederick Jones <fjones@guamopa.com>, Thomas Battung <tbattung@guamopa.com>

Fred or Thomas,

Can you please post the attached CCR's on our website for the Public Defender? I think we usually put the transmittal email in it before we send to guamwebz. Thank you.

Vince Duenas

----- Forwarded message -----

From: **Cathy Gogue** <cgogue@guampdsc.org>

Date: Monday, March 29, 2021

Subject: Public Defender CCR

To: Vincent Duenas <vduenas@guamopa.com>

Hafa Adai Vince,

Hope all is going well. I was looking at the OPA website for another organization's CCR and noticed that Public Defender's wasn't up for 2018 and 2019.

Based on your email, I would have sworn that I sent them to the OPA. Can you help get the attached on OPA's website?

Thanks!

Cathy

From: Vincent Duenas [mailto:vduenas@guamopa.com]

Sent: Friday, November 6, 2020 7:12 PM

To: Cathy Gogue <cgogue@guampdsc.org>

Subject: RE: Use This CCR

Yes, thank you. Please make sure you send it to the Public Auditor, Speaker, and post it on your website as well. Thank you.

From: Cathy Gogue <cgogue@guampdsc.org>

Sent: Friday, November 06, 2020 5:11 PM

To: Vincent Duenas <vduenas@guamopa.com>

Subject: Use This CCR

Sorry Vince.

Please use this CCR.

Thank you!

Cathy Gogue

Administrative Director

Guam Public Defender Service Corporation

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[Sinajana, Guam 96910](#)

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Vincent Duenas

Accountability Auditor

Office of Public Accountability - Guam

Tel. (671) 475-0390 ext. 210

Fax (671) 472-7951

<http://www.opaguam.org/>

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2 attachments

 **CCRFY2018.pdf**
3304K

 **CCRFY2019.pdf**
2661K