



**PUBLIC DEFENDER
SERVICE CORPORATION**

**FISCAL YEAR 2010
BUDGET REQUEST**

Director
Mike A. Nisperos, Jr.



ADMINISTRATIVE DIRECTOR
Remadette S.N. Charauaiaf

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM
110 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3100 □ Fax: (671) 477-5844

STAFF ATTORNEYS
Richard S. Dirks
Jane L. Kennedy
Terrance A. Long
Loretta T. Gutierrez-Long
Pablo M. Aglubat
Raymond B. Ilagan
Jocelyn M. Roden
Peter J. Sablan
Maria G. Fitzpatrick

March 16, 2009

Senator vicente (ben) c. pangelinan
Chairman,
Committee on Appropriations, Taxation,
Banking, Insurance, Retirement and Land
I Mina' Trenta Na Liheslaturan Guahan
324 W. Soledad Ave., Suite 100
Hagatna, Guam 96910

Dear Senator pangelinan:

Submitted herewith for your review is the Public Defender Service Corporation's (PDSC) Fiscal Year 2010 Budget Request presented in Performance Based Budgeting format as required by Public Law 24-287 and your memorandum of March 4, 2009.

The following is a summary of our request:

PROGRAM CATEGORY:	REQUEST:
Director's Office	\$ 548,861
Attorneys	1,171,624
Investigative Services	299,568
Legal Secretarial Services	466,698
Records Management & Property Services	56,197
Process Services	98,858
Legal Clerical Services	194,074
Fiscal Services	126,750
Personnel Services	53,513
Management Information Systems Services	121,751
Alternate Public Defender (Funded by Judicial Client Services Fund)	-0-
Domestic Violence Program Specialist (Funded by STOP Violence Against Women Federal Grant Administered by the Office of the Governor)	-0-
TOTAL FISCAL YEAR 2010 BUDGET REQUEST:	\$ 3,137,894

In addition to our request for funding in Fiscal Year 2010, the Corporation seeks a continued exemption (as was granted beginning with Fiscal Year 2009), from previous prohibitions involving contract and/or limited-term employees. More specifically, we wish to have the same privilege of hiring licensed professionals, particularly for attorney services when necessary (e.g., when a staff attorney is forced to take extended leave for medical reasons).

Although the total request is higher than that of last fiscal year's, **this is basically a "Maintenance Budget"**. Our staffing levels remain the same; we are not seeking additional positions. The increase in our Fiscal Year 2010 Budget Request versus that of Fiscal Year 2009's appropriation can be attributed to higher salaries and benefits for our Director and one attorney position, as well as mandated salary increments and/or pay adjustments for eligible employees, and the higher rate required for the government's share of retirement contributions. Please note that the government's share for life, health, and dental insurances are based on percentages currently in effect. Should Fiscal Year 2010 involve increases in these areas, we ask that these adjustments be reflected in our approved budget for this period.

The present lease agreement for our office facilities was renegotiated last September, took effect on October 1, 2009, and is to be renewed each year. Rental rates are now \$16,500 per month, or \$198,000 per year, as compared to prior years when we paid \$12,500 per month, or \$150,000 annually. For Fiscal Year 2010, we anticipate another increase to \$17,500 per month, or \$210,000 per year due to the rising costs of utilities and other expenditures associated with the use of common areas.

Overall, the Corporation continues to exercise frugality and sound, fiscal responsibility in carrying out its mission of providing quality legal representation to its indigent clients. The office of the Alternate Public Defender (APD), a subsidiary of the PDSC, remains in operation, and continues to mitigate the financial burden of indigent defense on our island. In its fifth year of operations, the APD retains a shared workload with the administrative staff of the PDSC (barring any potential conflicts of interest where clients are concerned), in order to keep spending levels in these areas to a minimum. In this manner, we are able to contain the costs of indigent defense at levels far below those of previous years, when they exceeded \$1,000,000 annually.

This agency is also a sub-grantee of the STOP Violence Against Women federal program administered by the Office of the Governor. Thus, federal funds ensure the presence of a Domestic Violence Specialist who assists attorneys in the provision of legal services to victims of family violence.

The bottom line remains the same. To work at the Public Defender's office takes "heart". One cannot otherwise understand and work with the clientele we serve---the less fortunate residents of Guam with limited resources. At the end of the day, the gratification we get is in the fact that we have made a difference in a person's life.

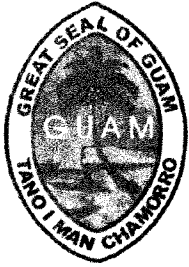
This Fiscal Year 2010 Budget Request was approved by the PDSC Board of Trustees at a duly-noticed meeting held on Friday, March 13, 2009.

Should you have any questions or desire further information, please feel free to contact Mrs. Bernadette S.N. Chargualaf, Administrative Director, or me at the telephone number listed above.

Sincerely,

A handwritten signature in black ink that reads "Mike A. Nisperos, Jr." The signature is written in a cursive style with a large, stylized "M" and "N".

MIKE A. NISPEROS, JR.
Director



PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pubbleku)
GOVERNMENT OF GUAM



200 Guam Judicial Center Annex
 110 West O'Brien Drive
 Hagatña, Guam 96910-5174
 Tel: (671) 475-3100 – Fax: (671) 477-5844

BOARD OF TRUSTEES

- Hon. Robert J. Torres, Jr.
Chairman
- Hon. Alberto C. Lamorena, III
Vice-Chairman
- Atty. Cynthia V. Ecube
Member
- Mrs. Donna Muna Quinata
Member
- Ms. CathyAnn C. Gogue
Member

ADMINISTRATION

- Mike A. Nisperos, Jr.
Director
- Bernadette S.N. Chargualaf
Administrative Director

BEFORE THE BOARD OF TRUSTEES
OF THE
PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO THE APPROVAL OF THE
PDSC FISCAL YEAR 2010 BUDGET REQUEST

RESOLUTION NO. PDSC 03-09

WHEREAS, Chapter 11 of Title 12 Guam Code Annotated established the Public Defender Service Corporation (PDSC) in order to provide effective legal aid and assistance to the persons in Guam who are unable to afford counsel; and

WHEREAS, In order to fulfill the mandates of Chapter 11, Title 12 Guam Code Annotated, the PDSC requires legislative appropriations through the budgetary process established for each fiscal year; and

WHEREAS, The PDSC has, through its Director and Administrative Director, presented the Corporation's Fiscal Year 2010 Budget Request of **\$3,137,894** to the Board of Trustees on March 13, 2009; and

WHEREAS, The Board of Trustees finds this budget request appropriate and adequate to carry out the Corporation's mission in Fiscal Year 2010; now therefore be it

RESOLVED, The Board of Trustees of the Public Defender Service Corporation, at its meeting of March 13, 2009 hereby approves the PDSC Fiscal Year 2010 Budget Request of **\$3,137,894** with all its provisions contained therein being attached hereto and made a part of this resolution.

DULY AND REGULARLY ADOPTED THIS 13th day of March, 2009.



Chief Justice **ROBERT J. TORRES, JR.**
Chairman

ATTEST:



BERNADETTE S.N. CHARGUALAF
Secretary

PUBLIC DEFENDER SERVICE CORPORATION

Government of Guam
200 Judicial Center Annex
110 West O'Brien Drive
Hagatña, Guam 96910

Fiscal Year 2010 Budget

Agency Program Performance-Based Budget Certification

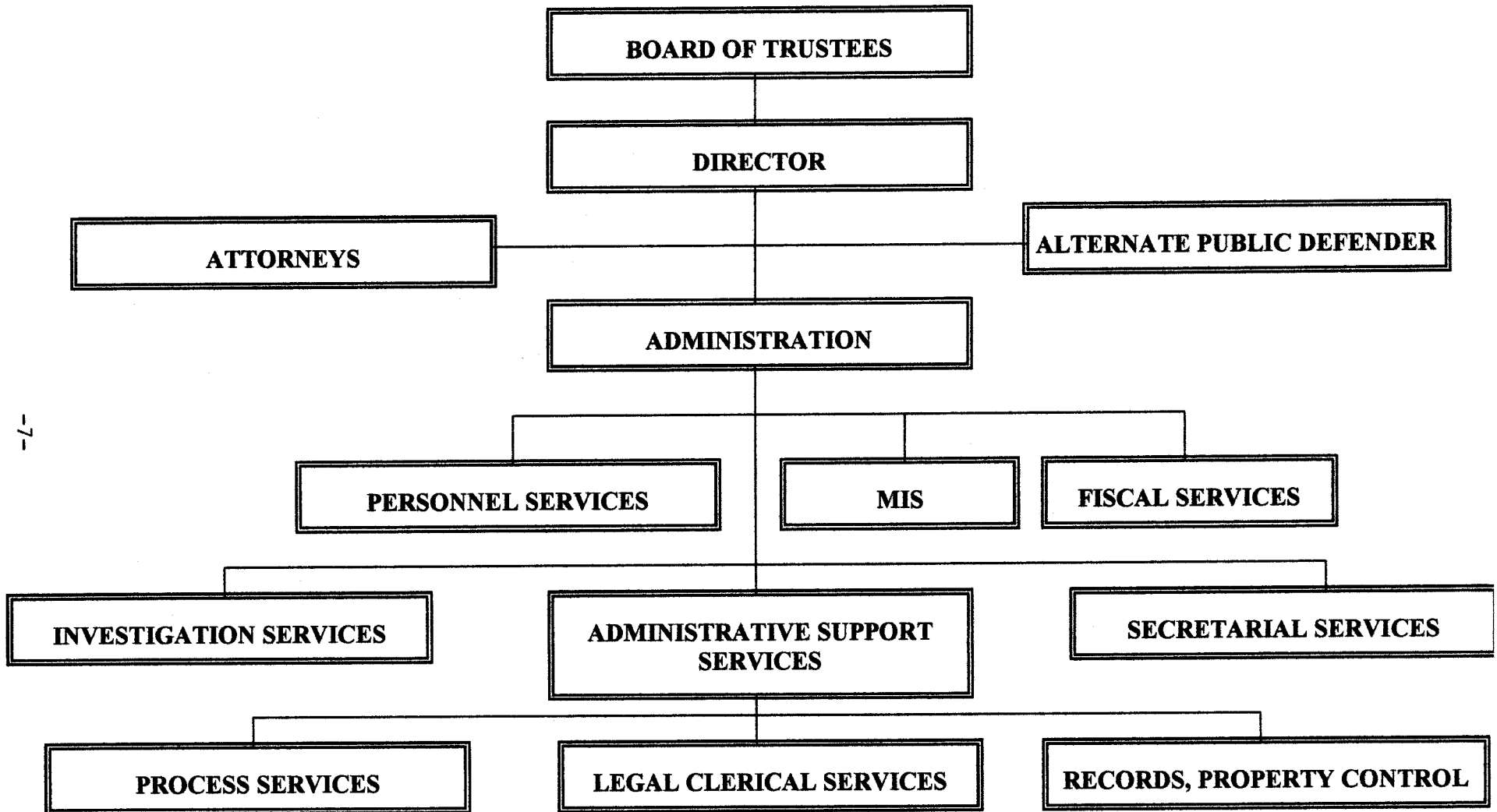
This is to certify that I have carefully reviewed the attached budget documents and find the amounts requested therein to be sufficient to execute the mission, goals, and objectives of this department for Fiscal Year 2010. I further certify the accuracy of the information contained in this document.


MIKE A. NISPEROS, JR.

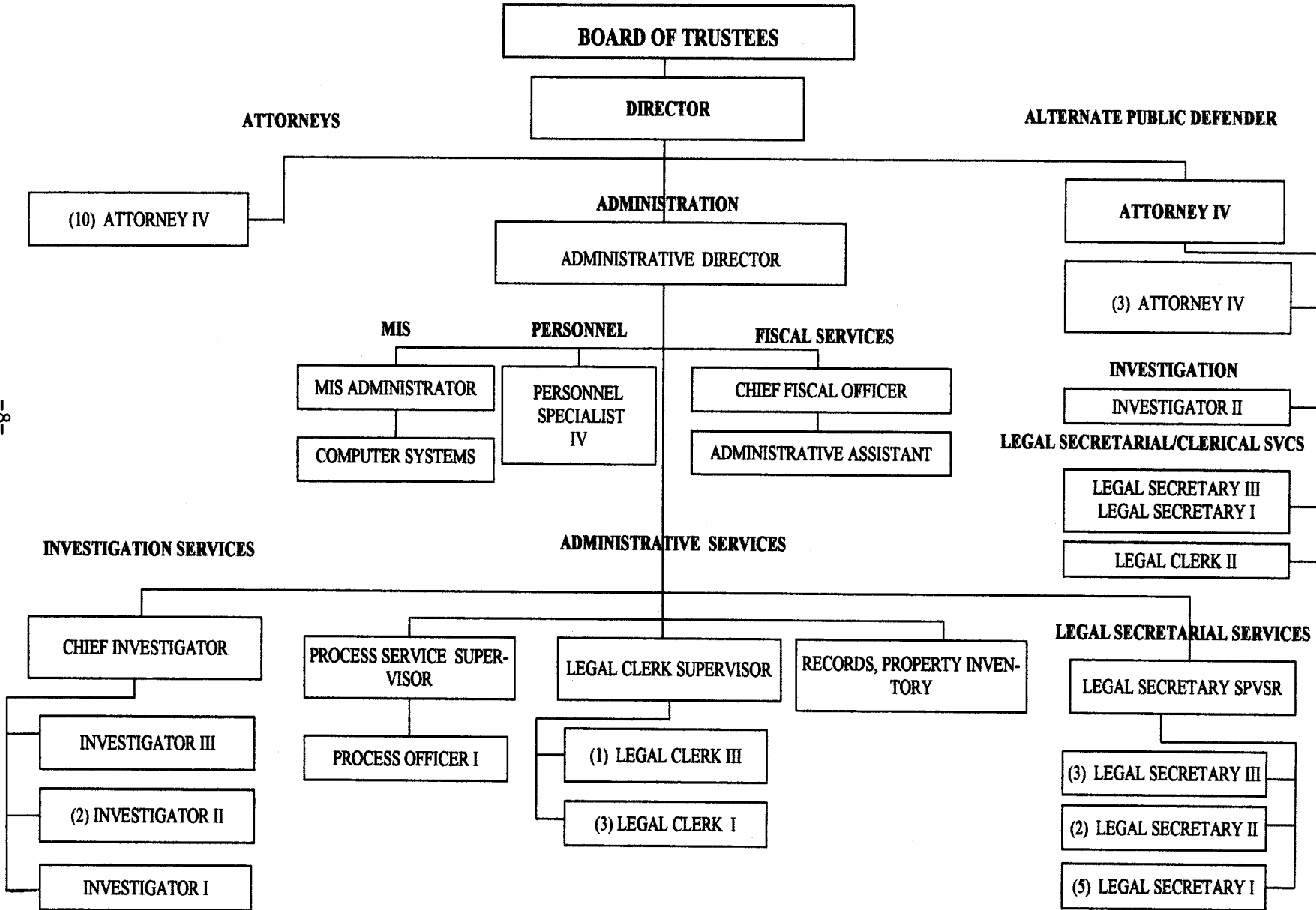
Director

Date: March 13, 2009

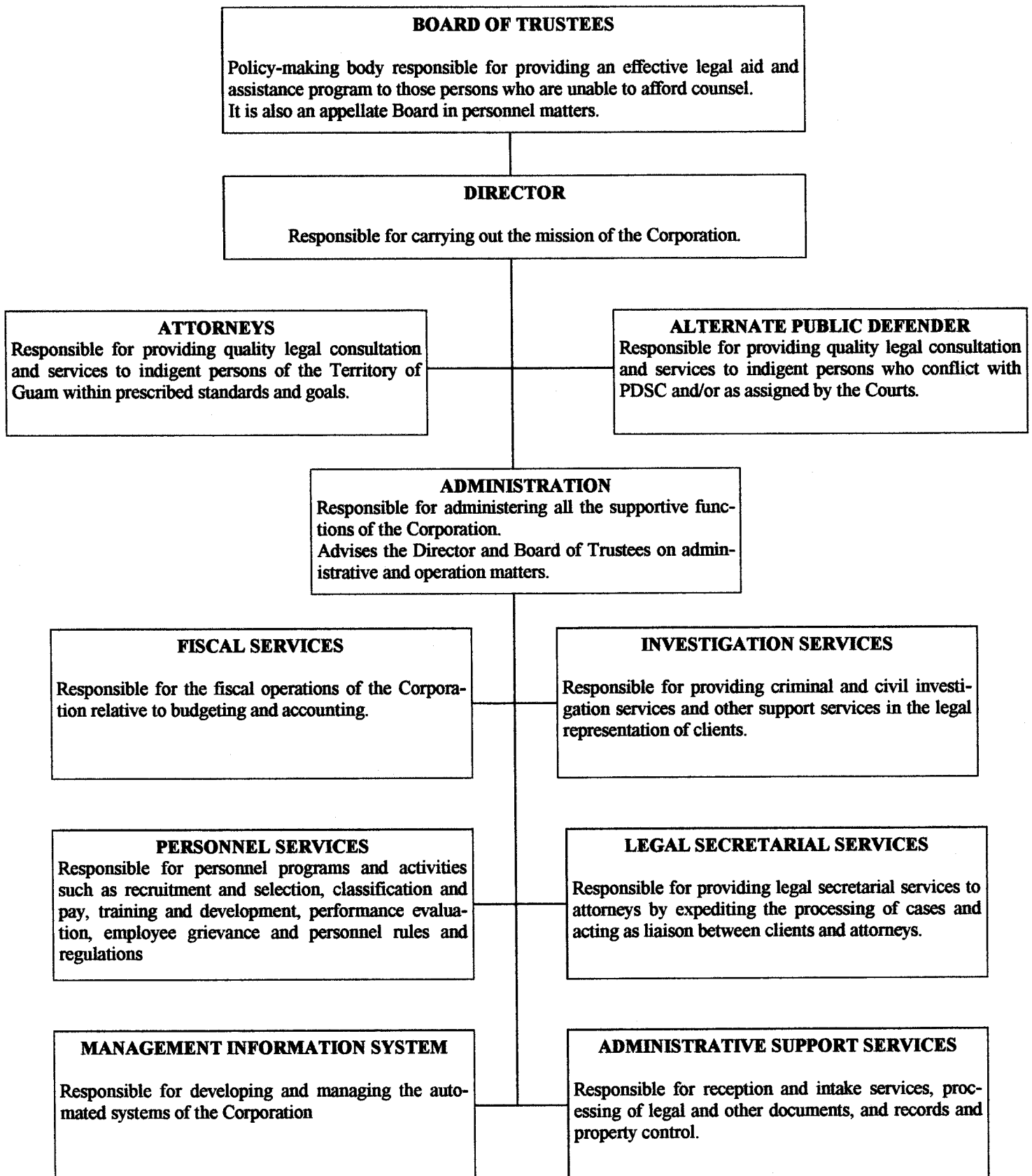
**PUBLIC DEFENDER SERVICE CORPORATION
ORGANIZATIONAL CHART—FY 2010**



**PUBLIC DEFENDER SERVICE CORPORATION
STAFFING CHART
FY 2010**



**PUBLIC DEFENDER SERVICE CORPORATION
FUNCTIONAL STATEMENT—FY 2010**



FISCAL YEAR 2010 BUDGET
Agency Narrative

FUNCTION: **Public Safety**
 Judiciary/Legal Defense

AGENCY: **PUBLIC DEFENDER SERVICE CORPORATION (PDSC)**

MISSION STATEMENT:

“The Public Defender Service Corporation, in accordance with Chapter 11 of Title 12, Guam Code Annotated, shall provide effective legal assistance primarily to those persons charged with crimes and other legal difficulties who are unable to afford private counsel, thereby ensuring equal protection of their lawful rights, in accordance with prescribed ethics, laws, rules and regulations.”

GOALS AND OBJECTIVES:

The PDSC’s primary goal and objective for Fiscal Year 2010 is to continue to meet its mandates while simultaneously retaining current staffing and funding levels in order to meet the needs of the clients we serve.

This agency continues to provide services despite a shortage of personnel and financial resources. It is our ongoing commitment to do our part in fulfilling our mission given the serious economic constraints our island continues to face today. In our efforts to meet our mandated delivery of public services with the limited resources we have, the PDSC has resorted to other innovative means in order to remain operational. A moratorium on civil and domestic (those not involving violence or any threat of violence) cases imposed by the Board of Trustees remains in effect, allowing us to focus on criminal and other matters where legal representation is constitutionally mandated.

The need for legal services and assistance by the indigent public becomes more evident in this time of economic crisis. As the cost of living soars, there are those in the business community who are forced to either cut back on expenses, or shut down completely. The effect is such that work hours are cut, jobs are lost, or difficult to obtain, and household incomes decrease, or in some cases disappear, and thus residents are unable to meet financial obligations and responsibilities. Contractual obligations with banks are inadvertently breached; without any income, where will these people turn? Many become desperate in their attempts to provide for the basic needs of their families and unfortunately resort to illegal measures for survival. On a daily basis, media reports continue to reflect constant criminal activity. When caught, there is no doubt accused perpetrators will require legal representation. Without the financial resources to retain legal counsel, the courts will appoint the PDSC as their lawyer. Additionally, these persons who suffer from mental illness and/or drug addictions tend to get themselves into legal

difficulties which may cause them to be charged with crimes. The vast majority of those with mental disorders are unable to keep a job, and are of the indigent population for which PDSC is appointed their lawyer.

In collaboration with the courts of Guam, the PDSC is actively involved in seeking a more holistic approach in order to deal with and perhaps prevent "repeat offenders" from their cyclical participation in the criminal justice system. The "therapeutic courts" model (i.e., adult and juvenile drug courts, mental health court, driving under the influence, etc.), is sought for qualified clients whose "behavioral problems", the true causes of their criminal activity, would otherwise be unresolved. Without intervention and assistance in resolving these needs, these individuals would definitely be a part of the "revolving doors" at the PDSC.

Public Law 27-106 required the organization to implement an updated Attorneys' Salary Schedule and reinstated salary increments for eligible employees. For Fiscal Year 2010, it is imperative that funds for these purposes be appropriated as there is no other means of meeting these requirements.

Operational costs for the PDSC in Fiscal Year 2010 are at "maintenance" level. The object categories experiencing significant increases for FY2010 are that of Personnel Services and Office Space Rental. A new Director was hired on October 6, 2008 after the retirement of former Director and Attorney Kathleen E. Maher, and at a higher pay rate. In addition, we anticipate replacing a former Attorney III-1 with a more experienced attorney who will be more capable of handling complex cases.

Our lease agreement was renegotiated and entered into for Fiscal Year 2009, and is renewable every year. Current rental rates are \$16,500 per month or \$198,000 per year. In Fiscal Year 2010, anticipating another increase due to rising utility costs (with the exception of telephone services), and other expenditures associated with our office facilities (i.e., building security, maintenance and custodial services, etc.), we are requesting an allowance of \$17,500 per month or \$210,00 per year, for rental premiums.

The PDSC is committed and dedicated to the effective and efficient delivery of public service at minimal costs. Operational costs for the agency remain at basic, service-mandated levels; cuts have been made and will continue to be made wherever possible without jeopardizing the health, safety and welfare of our employees and clients.

IMPACT STATEMENT:

Without adequate staffing and funding levels, the Corporation will not be able to carry out its mandates. Furthermore, current staffing levels must be maintained, or the agency faces an increased possibility of malpractice suits stemming from overworked attorneys with caseloads

beyond ethical recommendations. Salary adjustments and increments reinstated in previous years cannot continue without proper funding in Fiscal Year 2010. Rental premiums must be provided for in order to continue our operations in an area most accessible and convenient for both our clients and employees.

AGENCY BUDGET PLAN:

As it has proven time and again, the PDSC will maintain its practice of frugal spending and sound fiscal responsibility within legal parameters throughout Fiscal Year 2010.

Government of Guam
Fiscal Year 2010
Budget Digest

[BBMR BD-1]

Function: Public Safety
Department/Agency: Public Defender Service Corporation
Program: Summary

AS400 Account Code	Appropriation Classification	A	B	Governor's Request			
		FY 2008 Expenditures & Encumbrances	FY 2009 Authorized Level	FY 2010 General Fund	FY 2010 Federal Match Fund(s)	FY 2010 Other Fund 1/	FY 2010 Total Req. (C+D+E)

PERSONNEL SERVICES

111	Regular Salaries/Increments	\$1,944,331	\$2,079,951	\$2,121,130	\$0	\$0	\$2,121,130
112	Overtime/Special Pay	0	0	0	0	0	0
113	Benefits	556,378	647,569	703,674	0	0	703,674
TOTAL PERSONNEL SERVICES		\$2,500,709	\$2,727,520	\$2,824,804	\$0	\$0	\$2,824,804

OPERATIONS

220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$23,957	\$0	\$5,400	\$0	\$0	\$5,400
230	CONTRACTUAL SERVICES:	33,930	22,033	39,290	0	0	39,290
233	OFFICE SPACE RENTAL:	150,000	0	210,000	0	0	210,000
240	SUPPLIES & MATERIALS:	12,260	0	15,000	0	0	15,000
250	EQUIPMENT:	32,456	0	5,000	0	0	5,000
270	WORKERS COMPENSATION	0	0	0	0	0	0
271	DRUG TESTING	0	0	0	0	0	0
280	SUB-RECIPIENT/SUBGRANT:	0	0	0	0	0	0
290	MISCELLANEOUS:	17,721	0	14,400	0	0	14,400
TOTAL OPERATIONS		\$270,324	\$22,033	\$289,090	\$0	\$0	\$289,090

UTILITIES

361	Power	\$0	\$0	\$0	\$0	\$0	\$0
362	Water/ Sewer	0	0	0	0	0	\$0
363	Telephone/ Toll	22,236	1,200	24,000	0	0	\$24,000
TOTAL UTILITIES		\$22,236	\$1,200	\$24,000	\$0	\$0	\$24,000

CAPITAL OUTLAY

450		\$23,947	\$0	\$0	\$0	\$0	\$0
-----	--	----------	-----	-----	-----	-----	-----

TOTAL APPROPRIATIONS

		\$2,817,216	\$2,750,753	\$3,137,894	\$0	\$0	\$3,137,894
--	--	--------------------	--------------------	--------------------	------------	------------	--------------------

1/ Specify Fund Source

FULL-TIME EQUIVALENCIES (FTEs)

UNCLASSIFIED	2.00	2.00	1.00	0.00	1.00	2.00
CLASSIFIED	47.00	47.00	39.00	0.00	8.00	47.00
TOTAL FTEs	49.00	49.00	40.00	0.00	9.00	49.00

**Government of Guam
Fiscal Year 2010
Budget Digest
Monthly Breakdown**

[BBMR BD-1]

FY 2010 General Fund

Function: Public Safety

Department/Agency: Public Defender Service Corporation

Program: Summary

G	H	I	J	K	L	M	N	O	P	Q	R	
FY 2010 October 2009-10	FY 2010 November 2009-11	FY 2010 December 2009-12	FY 2010 January 2010-01	FY 2010 February 2010-02	FY 2010 March 2010-03	FY 2010 April 2010-04	FY 2010 May 2010-05	FY 2010 June 2010-06	FY 2010 July 2010-07	FY 2010 August 2010-08	FY 2010 September 2010-09	FY 2010 Total

\$450	\$450	\$450	\$450	\$450	\$450	\$450	\$450	\$450	\$450	\$450	\$450	\$450	5,400
25,090	125	125	275	125	725	4,350	7,825	125	275	125	125	125	39,290
17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	210,000
1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	15,000
3,210	0	0	1,790	0	0	0	0	0	0	0	0	0	5,000
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
2,260	410	3,710	1,860	410	410	1,860	410	410	1,860	410	390	390	14,400
\$49,760	\$19,735	\$23,035	\$23,125	\$19,735	\$20,335	\$25,410	\$27,435	\$19,735	\$21,335	\$19,735	\$19,715	\$19,715	289,090

\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
3,210	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	\$24,000
\$3,210	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$24,000

\$52,970	\$21,625	\$24,925	\$25,015	\$21,625	\$22,225	\$27,300	\$29,325	\$21,625	\$23,225	\$21,625	\$21,605	\$21,605	\$313,090

FOOTNOTES:

For Fiscal Year 2010, an increase of **\$387,141** is requested over the appropriation level for Fiscal Year 2009. Remember that in Fiscal Year 2009, we had a decrease of \$170,113 (or 6%), from the appropriation level for FY 2008. This resulted in a most negative impact on our operations, in that object categories such as "Telephone" and "Utilities" were not funded for 2009. The additional request of \$387,141 is broken down and described below:

1. **PERSONNEL SERVICES:**

\$97,284 is needed to fund attorneys' pay adjustments, employees' salary increments, and mandated increases in the government's share of retirement contributions. Although further increases are anticipated in the government's share of life, medical and dental insurances, funding for these items are requested at current levels.

2. **OPERATIONS:**

a. **\$5,400** **TRAVEL (Local Mileage):** These monies are used to reimburse eligible employees who utilize their personally-owned vehicles for official purposes. The reimbursement rates are consistent with federal rates as required by local law.

b. **\$17,257** **CONTRACTUAL SERVICES:** Funds are used to pay for the lease of a Xerox Machine (\$13,500), Malpractice Insurance (\$7,500), Westlaw Internet Services (\$10,440), the maintenance of our Canon - Archiving System (\$3,400), Pitney Bowe - Postage Meter Machine (\$600), Gets Business System for the maintenance of our typewriters & stamp machine (\$1,350), DSL service (\$1,500), Internet Website Hosting (\$200), Notary Bonding (\$600) and our Quickbooks Payroll subscription renewal (\$200).

c. **\$210,000** **OFFICE SPACE RENTAL:** The amount requested for Fiscal Year 2009 was \$236,436, or a monthly rate of \$19,703. However, this was one of the categories adversely affected by the 6% reduction in our appropriation. Therefore, in renegotiating our office space lease agreement, the Judicial Council of Guam agreed to meet us halfway, and approved a rental rate of \$16,500 per month (as compared to \$12,500 in previous years), or \$198,000 for the year. This compromise was contingent upon the Corporation's seeking additional funds through a supplemental budget request from the legislature to make up for the difference. Further increases in this category are also anticipated due to the rising costs of utilities (included in the rental premiums), and other expenditures associated with the use of common areas on or around our office premises.

d. **\$15,000** **SUPPLIES & MATERIALS:** These funds are used to purchase office supplies and materials. Please refer to BBMR96A for details.

- e. **\$5,000** **SMALL EQUIPMENT:** In FY 2010 we anticipate the replacement of obsolete/damaged equipment or furniture.
- f. **\$14,400** **MISCELLANEOUS:** In this category, monies provide for Guam Bar Dues (\$3,300); Professional Dues – NACDL/NLADA (\$400); Training and/or Career Development Costs (\$3,000); advertising costs for mandated Notices of Public Meetings (Board of Trustees) \$(2,500); publications of job announcements (\$1,500); legal subscriptions used as reference materials for our attorneys \$1,200); stipends for members of our Board of Trustees for their attendance at meetings (PL 29-113); and fees for payroll costs (\$1,300).
- g. **\$22,800** **TELEPHONE UTILITIES:** Funds are used to pay for telephone services (\$22,380), pager services (\$1,320) and long distance calls (\$300).
- \$289,857** **SUB-TOTAL FOR OPERATIONAL COSTS IN FY2010**
- \$387,141** **TOTAL INCREASE FOR FY2010 OVER FY2009's AUTHORIZED LEVEL**

**DECISION PACKAGE
FY 2010**

Department/Agency: PUBLIC DEFENDER SERVICE CORPORATION
Division/Section: Director's and Administrative Director's Office

Program Title: Director and Administrative Director's Office (Administrative Management Services)

Activity Description: This program manages and administers the operations of the Public Defender Service Corporation (PDSC), which involves the Attorneys, Investigations, Legal Secretarial, Legal Clerical, Records Management and Property Inventory, Fiscal Office, Process Services, Personnel Services and Management Information Systems divisions, in order to fulfill the mandates set forth in 12 GCA, Chapter 11 (Public Defender Service Corporation Act), and focuses on the delivery of legal representation for the indigent residents of Guam.

Major Objective(s): The major objective of this program is to provide effective legal assistance primarily to those persons charged with crimes and other legal difficulties who are unable to afford private counsel, thereby ensuring equal protection of their lawful rights, in accordance with prescribed ethics, laws, rules and regulations.

- Short-term Goals:**
1. To manage the Corporation's daily operations, ensuring the effective and efficient delivery of public service relative to legal representation of the indigent.
 2. To provide a managerial system for directing the programs and activities of the PDSC in accordance with established laws, policies and procedures.
 3. To restore (through the legislative appropriation process), adequate funding and staffing levels in order to fulfill the agency's mission of providing quality legal assistance to residents of Guam who cannot otherwise afford legal representation.

Workload Output			
Workload Indicator:	FY 2008 Level of Accomplishment	FY 2009 Anticipated Level	FY 2010 Projected Level
Workload indicators for this program are incumbent upon and directly related to those established for all divisions within the PDSC. Please refer to Workload Indicators reflected on the various enclosures for each program.			

Government of Guam
Fiscal Year 2010
Budget Digest

[BBMR BD-1]

Function: Public Safety
Department/Agency: Public Defender Service Corporation
Program: Director's Office

AS400 Account Code	Appropriation Classification	A	B	Governor's Request			
		FY 2008 Expenditures & Encumbrances	FY 2009 Authorized Level	FY 2010 General Fund	FY 2010 Federal Match Fund(s)	FY 2010 Other Fund 1/	FY 2010 Total Req. (C+D+E)

PERSONNEL SERVICES

111	Regular Salaries/Increments	\$157,226	\$193,579	\$195,081	\$0	\$0	\$195,081
112	Overtime/Special Pay	0	0	0	0	0	0
113	Benefits	38,799	55,338	69,340	0	0	69,340
TOTAL PERSONNEL SERVICES		\$196,025	\$248,917	\$264,421	\$0	\$0	\$264,421

OPERATIONS

220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$2,942	\$0	\$0	\$0	\$0	0
230	CONTRACTUAL SERVICES:	29,107	22,033	32,940	0	0	32,940
233	OFFICE SPACE RENTAL:	150,000	0	210,000	0	0	210,000
240	SUPPLIES & MATERIALS:	214	0	600	0	0	600
250	EQUIPMENT:	4,919	0	2,500	0	0	2,500
270	WORKERS COMPENSATION	0	0	0	0	0	0
271	DRUG TESTING	0	0	0	0	0	0
280	SUB-RECIPIENT/SUBGRANT:	0	0	0	0	0	0
290	MISCELLANEOUS:	17,721	0	14,400	0	0	14,400
TOTAL OPERATIONS		\$204,903	\$22,033	\$260,440	\$0	\$0	260,440

UTILITIES

361	Power	\$0	\$0	\$0	\$0	\$0	\$0
362	Water/ Sewer	0	0	0	0	0	\$0
363	Telephone/ Toll	22,236	1,200	24,000	0	0	\$24,000
TOTAL UTILITIES		\$22,236	\$1,200	\$24,000	\$0	\$0	\$24,000

CAPITAL OUTLAY

450	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0
-----	-----------------------	-----	-----	-----	-----	-----	-----

TOTAL APPROPRIATIONS

TOTAL APPROPRIATIONS	\$423,164	\$272,150	\$548,961	\$0	\$0	\$548,961
-----------------------------	------------------	------------------	------------------	------------	------------	------------------

1/ Specify Fund Source

FULL TIME EQUIVALENCIES (FTEs)

UNCLASSIFIED	1.00	1.00	1.00	0.00	0.00	1.00
CLASSIFIED	1.00	1.00	1.00	0.00	0.00	1.00
TOTAL FTEs	2.00	2.00	2.00	0.00	0.00	2.00

Note 1 - Contractual: Funds are requested to pay for lease of Xerox Machine (\$13,500), Malpractice Insurance (\$7,500), Westlaw Internet Services (\$10,440), and DSL Service (\$1,500).

Note 2 - Miscellaneous: The request for funds is to pay for Advertising Costs for Board Meetings, and Job/RFP's/Bid Announcements (\$4,000), Guam Bar Dues (\$3,300), Professional Dues - NACDL, NLADA (\$400), Training and/or Career Development (\$3,000), Board Stipends (\$1,200), Payroll Fees (\$1,300) and Legal Subscriptions (\$1,200).

Note 3 - Telephone Utilities: The request for funds is to pay for services for telephone (\$22,380), long distance calls (\$300) and pagers (\$1,320).

Government of Guam
Fiscal Year 2010
Budget Digest
Monthly Breakdown

[BBMR BD-1]

Function: Public Safety

Department/Agency: Public Defender Service Corporation

Program: Director's Office

G	H	I	J	K	L	M	N	O	P	Q	R	
FY 2010 October 2009-10	FY 2010 November 2009-11	FY 2010 December 2009-12	FY 2010 January 2010-01	FY 2010 February 2010-02	FY 2010 March 2010-03	FY 2010 April 2010-04	FY 2010 May 2010-05	FY 2010 June 2010-06	FY 2010 July 2010-07	FY 2010 August 2010-08	FY 2010 September 2010-09	FY 2010 Total

													0
24,065	125	125	125	125	125	125	7,625	125	125	125	125	125	32,940
17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	17,500	210,000
50	50	50	50	50	50	50	50	50	50	50	50	50	600
1,250			1,250										2,500
													0
													0
													0
2,260	410	3,710	1,860	410	410	1,860	410	410	1,860	410	390		14,400
\$45,125	\$18,085	\$21,385	\$20,785	\$18,085	\$18,085	\$19,535	\$25,585	\$18,085	\$19,535	\$18,085	\$18,065		260,440

													\$0
													\$0
3,210	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	1,890	\$24,000
\$3,210	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$1,890	\$24,000

--	--	--	--	--	--	--	--	--	--	--	--	--	--

\$48,335	\$19,975	\$23,275	\$22,675	\$19,975	\$19,975	\$21,425	\$27,475	\$19,975	\$21,425	\$19,975	\$19,955		\$284,440
----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	--	-----------

**DECISION PACKAGE
FY 2010**

Department/Agency: PUBLIC DEFENDER SERVICE CORPORATION
Division/Section: Attorneys

Program Title: Attorneys (Professional Legal Services/Representation)

Activity Description:

PDSC attorneys (Assistant Public Defenders) provide effective legal consultation and services to indigent persons on the island of Guam within prescribed ethics, standards and goals. In order to carry out the mission of the PDSC in providing these services, and to comply with the guidelines set forth in the Guam Rules of Professional Conduct and goals relative to the recommended caseload per attorney, per year, adequate staffing levels and support services are imperative.

Major Objective(s):

- a. In Criminal Matters:** As set forth in 8 GCA, Sections 45.30 and 45.40, if the Court finds that a person is financially unable to employ counsel, the PDSC will be appointed for the defendant unless the PDSC declines the appointment due to a conflict or other appropriate reason. The same rule applies to appointments for juveniles or other individuals in juvenile matters. Upon being appointed counsel in a criminal matter, **an Assistant Public Defender will ensure that the defendant's rights to due process and other constitutional, statutory and/or procedural guarantees are afforded.**
- b. In Civil and Domestic Matters:** The Court also has the power to appoint the PDSC in certain civil and domestic matters such as assigning counsel as Guardian Ad Litem in child or adult abuse cases, child custody situations and guardianships, and as counsel who may be appointed for persons charged with criminal contempt in civil and domestic matters. (This court discretion also applies to the United States District Court of Guam.) The PDSC is obligated to appear in such matters without regard to its client eligibility criteria. Therefore, **the PDSC is obligated to appear by order of the appointing court, with the objective of obeying the orders of the court as long as they do not place the PDSC in unethical situations, and then to seek withdrawal from representation by motion to the respective court.**
- c. Other Legal Matters:** Except for those civil matters noted above, those that the PDSC can handle are essentially at the discretion of the Board of Trustees under 12 GCA Section 11105, as long as the Board follows the restrictions stated above with regard to the person being unable to afford an attorney in private practice and that legal assistance is not available otherwise.

Short-term Goals:

1. To defend indigent persons charged in criminal cases before the courts of Guam. (The determination as to whether a defendant is indigent and whether the case is to be referred to the PDSC shall be at the discretion of the judge before whom such defendant is appearing.
2. To render legal aid and assistance to those persons in Guam who, under rules established by the Corporation, are in need of legal assistance and representation and who are unable to afford an attorney in private practice. (The Corporation shall not compete with attorneys engaged in the private practice of law in Guam and shall give legal assistance in civil matters as appointed by the courts of Guam and only to those who would otherwise not receive such assistance.)

Workload Output			
Workload Indicator:	FY 2008 Level of Accomplishment	FY 2009 Anticipated Level	FY 2010 Projected Level
Number of New Cases Received And Assigned	2,078	2,124	2,500
Number of Lawyer-Client Contacts	33,666	42,000	41,250
Number of Cases Closed (Resolved)	3,258	3,621	3,500

Government of Guam
Fiscal Year 2010
Budget Digest

[BBMR BD-1]

Function: Public Safety
Department/Agency: Public Defender Service Corporation
Program: Attorneys

AS400 Account Code	Appropriation Classification	A	B	Governor's Request			
		FY 2008 Expenditures & Encumbrances	FY 2009 Authorized Level	FY 2010 General Fund	FY 2010 Federal Match Fund(s)	FY 2010 Other Fund 1/	FY 2010 Total Req. (C+D+E)

PERSONNEL SERVICES

111	Regular Salaries/Increments	\$816,159	\$848,897	\$895,613	\$0	\$0	\$895,613
112	Overtime/Special Pay	0	0	0	0	0	0
113	Benefits	223,534	250,203	274,811	0	0	274,811
TOTAL PERSONNEL SERVICES		\$1,039,693	\$1,099,100	\$1,170,424	\$0	\$0	\$1,170,424

OPERATIONS

220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$16,313	\$0	\$0	\$0	\$0	\$0
230	CONTRACTUAL SERVICES:	55	0	0	0	0	0
233	OFFICE SPACE RENTAL:	0	0	0	0	0	0
240	SUPPLIES & MATERIALS:	1,347	0	1,200	0	0	1,200
250	EQUIPMENT:	420	0	0	0	0	0
270	WORKERS COMPENSATION	0	0	0	0	0	0
271	DRUG TESTING	0	0	0	0	0	0
280	SUB-RECIPIENT/SUBGRANT:	0	0	0	0	0	0
290	MISCELLANEOUS:	0	0	0	0	0	0
TOTAL OPERATIONS		\$18,135	\$0	\$1,200	\$0	\$0	1,200

UTILITIES

361	Power	\$0	\$0	\$0	\$0	\$0	\$0
362	Water/ Sewer	0	0	0	0	0	\$0
363	Telephone/ Toll	0	0	0	0	0	\$0
TOTAL UTILITIES		\$0	\$0	\$0	\$0	\$0	\$0

CAPITAL OUTLAY

450	CAPITAL OUTLAY	\$0	\$0	\$0	\$0	\$0	\$0
-----	-----------------------	------------	------------	------------	------------	------------	------------

TOTAL APPROPRIATIONS

TOTAL APPROPRIATIONS		\$1,057,828	\$1,099,100	\$1,171,624	\$0	\$0	\$1,171,624
-----------------------------	--	--------------------	--------------------	--------------------	------------	------------	--------------------

1/ Specify Fund Source

FULL TIME EQUIVALENCIES (FTEs)

UNCLASSIFIED	0.00	0.00	0.00	0.00	0.00	0.00
CLASSIFIED	10.00	10.00	10.00	0.00	0.00	10.00
TOTAL FTEs	10.00	10.00	10.00	0.00	0.00	10.00

