

Director  
Mike A. Nisperos, Jr.



ADMINISTRATIVE DIRECTOR  
Bernadette S.N. Charauaaf

**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**  
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Pablo M. Aglubat  
Raymond B. Ilagan  
Jocelyn M. Roden  
Peter J. Sablan  
Maria G. Fitzpatrick  
Rebecca M. Warfield

April 02, 2010

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  
Hagåtña, Guam 96910

Senator 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 letter of March 18, 2010.

The following is a summary of our request:

PROGRAM CATEGORY:	REQUEST:
Director's Office	\$ 886,699
Attorneys	1,483,733
Investigative Services	473,788
Legal Secretarial Services	618,808
Records Management & Property Inventory Services	62,758
Process Services	111,023
Legal Clerical Services	194,638
Fiscal Services	142,792
Personnel Services	59,553
Management Information Systems Services	182,843
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-
<b>TOTAL FISCAL YEAR 2011 BUDGET REQUEST:</b>	<b>\$4,216,635</b>

In addition to our request for funding in Fiscal Year 2011, the Corporation seeks a continued exemption (as was granted beginning with Fiscal Year 2009), from previous restrictions 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).

We also seek the addition of four (4) attorneys, a corresponding number of Legal Secretaries, as well as two (2) more Special Investigators to support the lawyers in their defense strategies. To ignore this need would only present impossible work situations for the current staff, not to mention the increased potential for malpractice suits against overworked attorneys.

Any other increases in the Personnel Services category are due to mandated items, such as salary increments, adjustments in the government's share of retirement contributions, medical and/or dental insurance premiums, etc.

The PDSC has outgrown its current office space located on the second floor of the Judicial Center Annex. With the ten (10) additional positions requested for Fiscal Year 2011 it is imperative that the entire office move to facilities that are able to accommodate the growing number of employees. While considering these logistics, the Corporation must be mindful of the need for easy accessibility to the courts by our lawyers, and to our clients. Therefore, we have contained our research of possible office space rentals to the Hagåtña area.

In the event that our request for additional attorneys and support staff is turned down, the need for additional funds in the object category of Office Space Rental remains. As tenants of the Judicial Council of Guam, we anticipate an increase in rental premiums for Fiscal Year 2011 (\$19,801 per month) over those in Fiscal Year 2010 (\$17,500 per month) for the space we now occupy.

Overall, the organization 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 sixth 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 Program 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 an individual's life.

**This Fiscal Year 2011 Budget Request is pending approval by the PDSC Board of Trustees, which is scheduled to meet on Tuesday, April 6, 2010.**

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,

  
FOR: 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 2011 BUDGET REQUEST**

**RESOLUTION NO. PDSC 01-10**

**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 2011 Budget Request of \$4,216,635 to the Board of Trustees on April 06, 2010; and

**WHEREAS,** The Board of Trustees finds this budget request appropriate and adequate to carry out the Corporation's mission in Fiscal Year 2011; 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 2011 Budget Request of \$4,216,635 with all its provisions contained therein being attached hereto and made a part of this resolution.

**DULY AND REGULARLY ADOPTED THIS 6<sup>th</sup> day of April, 2010.**

---

Chief Justice ROBERT J. TORRES, JR.  
Chairman

ATTEST:

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BERNADETTE S.N. CHARGUALAF  
Secretary

# **PUBLIC DEFENDER SERVICE CORPORATION**

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

## **Fiscal Year 2011 Budget**

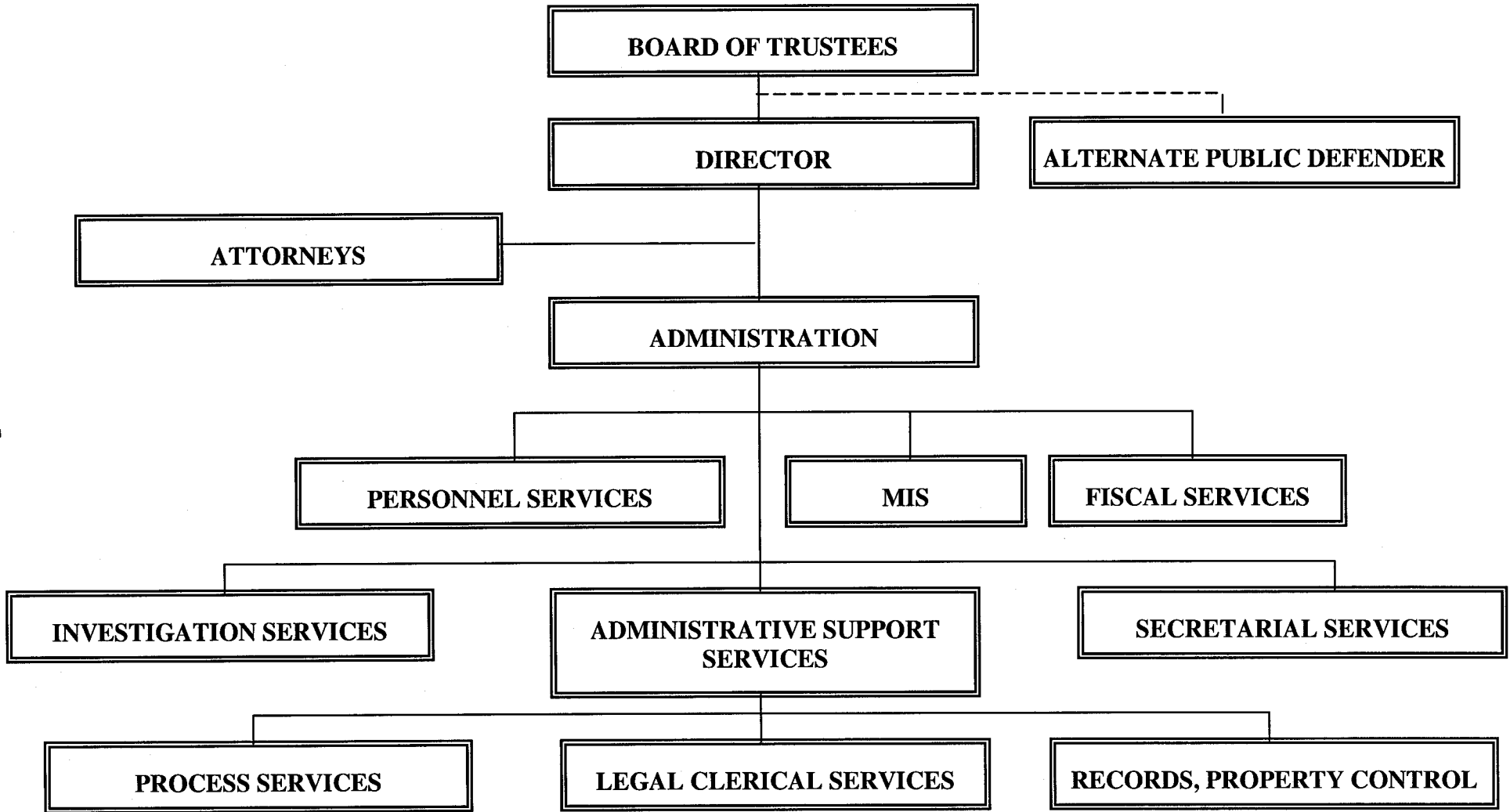
### **Agency Program Performance-Based Budget Certification**

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 2011. I further certify the accuracy of the information contained in this document.

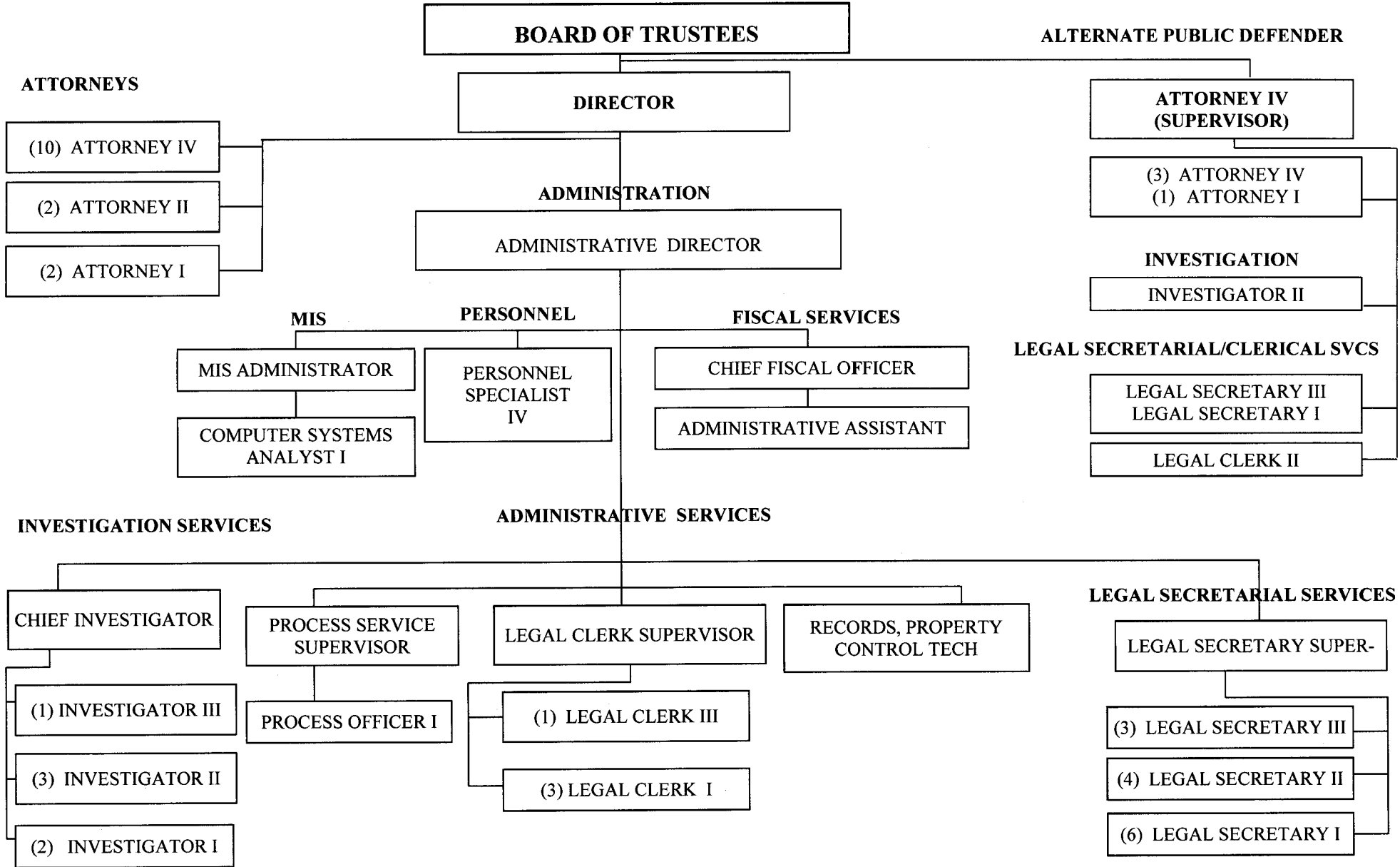
*For:*   
\_\_\_\_\_  
**MIKE A. NISPEROS, JR.**  
Director

Dated: April 2, 2010

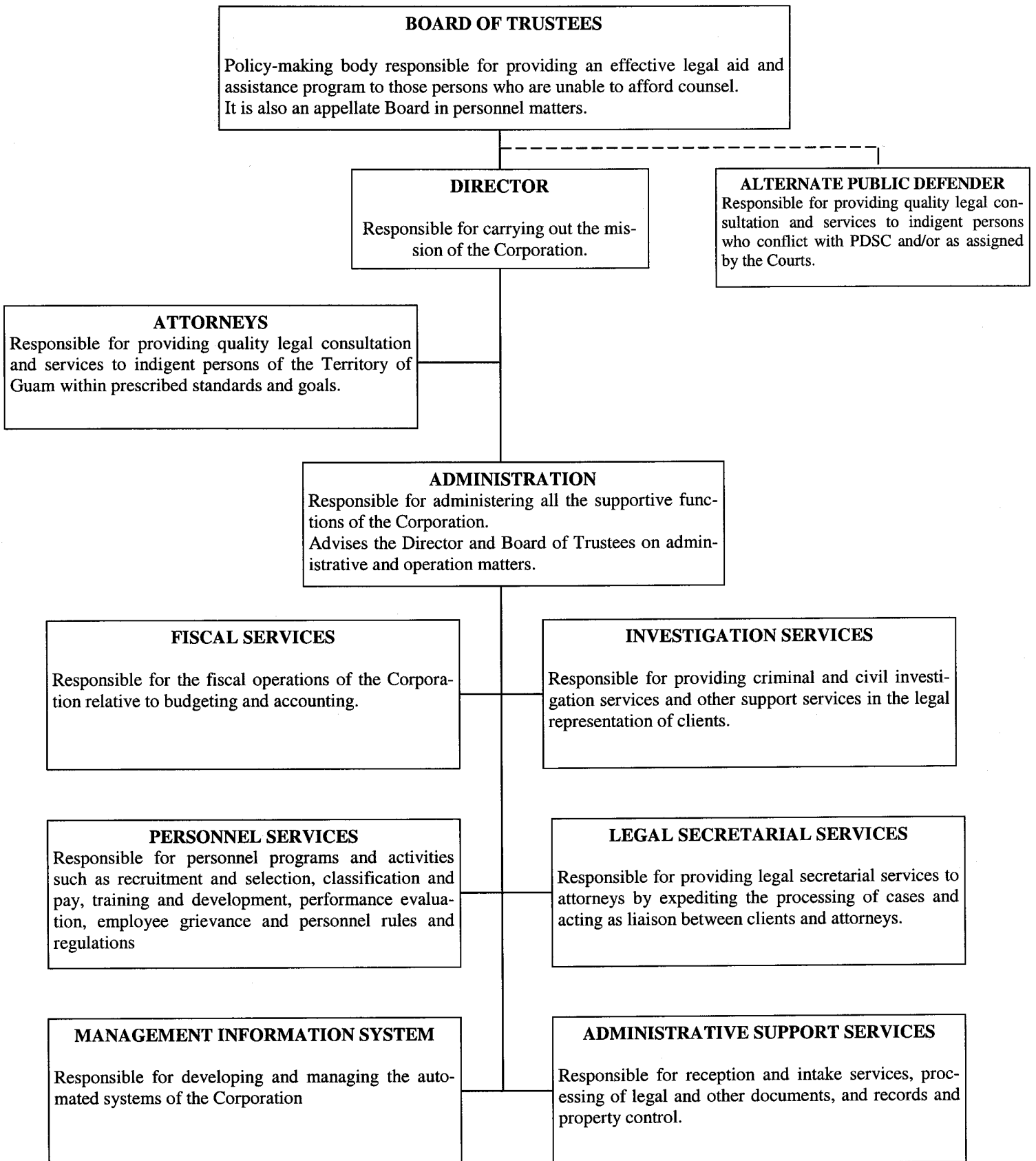
**PUBLIC DEFENDER SERVICE CORPORATION  
ORGANIZATIONAL CHART— FY 2011**



**PUBLIC DEFENDER SERVICE CORPORATION  
STAFFING CHART  
FY 2011**



**PUBLIC DEFENDER SERVICE CORPORATION  
FUNCTIONAL STATEMENT—FY 2011**



**FISCAL YEAR 2011 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, 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 2011 is to continue to meet its mandates while simultaneously seeking increased staffing and funding levels in order to provide quality legal representation to the clients we serve.

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 thereof) cases was imposed by the Board of Trustees several years ago, and remains in effect today, allowing us to focus on criminal and other matters where legal representation is constitutionally guaranteed. While this agency continues to provide services despite a shortage of personnel and financial resources, we are compelled to request additional funding in order to add four (4) attorneys to our current staff. The caseload now carried by our lawyers far exceeds the recommended levels as reflected in the Guam Rules of Professional Conduct. To continue with this practice puts the PDSC in a precarious situation with respect to potential malpractice suits by our clients due to sub-standard legal representation.

The need for legal services and assistance by indigent defendants becomes more pronounced with the economic conditions our island continues to face. Already struggling to make ends meet, many of our residents find themselves in desperate situations as the cost of living continues to soar. Many of them lose their only means of income as our business community is forced to either cut back on expenses by reducing their workforce, or shut down completely. Unfortunately, in desperation, many turn to illegal measures for survival and to provide for the basic needs of their families. When caught, there is no doubt accused perpetrators will require legal representation, and without financial resources to retain legal counsel, the courts will appoint the PDSC as their lawyer.

In addition, individuals 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.

With the addition of four (4) attorneys, a corresponding number of Legal Secretaries becomes necessary, as well as two (2) more Special Investigators to support the lawyers in their defense strategies. To ignore this need would only present impossible work situations for the current staff.

Any other increases in the Personnel Services category are due to mandated items, such as salary increments, adjustments in the government's share of retirement contributions, medical and/or dental insurance premiums, etc.

The PDSC has outgrown its current office space located on the second floor of the Judicial Center Annex. With the ten (10) additional positions requested for Fiscal Year 2011 it is imperative that the entire office move to facilities that are able to accommodate the growing number of employees. While considering these logistics, the Corporation must be mindful of the need for easy accessibility to the courts by our lawyers, and to our clients. Therefore, we have contained our research of possible office space rentals to the Hagåtña area.

In the event that our request for additional attorneys and support staff is turned down, the need for additional funds in the object category of Office Space Rental remains. As tenants of the Judicial Council of Guam, we anticipate an increase in rental premiums for Fiscal Year 2011 (\$19,801 per month) over those in Fiscal Year 2010 (\$17,500 per month) for the space we now occupy.

The PDSC remains 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; where and when necessary, cuts will be made 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, staffing levels must be increased as described above, or the agency faces an increased possibility of malpractice suits stemming from overworked attorneys with caseloads beyond ethical recommendations. Salary adjustments and increments cannot continue without proper funding in Fiscal Year 2011. 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 2011.

**Government of Guam  
Fiscal Year 2011  
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 2009 Expenditures & Encumbrances	FY 2010 Authorized Level	FY 2011 General Fund	FY 2011 Federal Match Fund(s)	FY 2011 Other Fund 1/	FY 2011 Total Req. (C+D+E)

**PERSONNEL SERVICES**

111	Regular Salaries/Increments/Special Pay	\$1,996,975	\$2,121,130	\$2,451,732	\$0	\$0	\$2,451,732
112	Overtime	0	0	0	0	0	0
113	Benefits	538,949	597,803	719,458	0	0	719,458
114	Insurance Benefits (Medical / Dental / Life)	78,094	105,871	151,896	0	0	151,896
<b>TOTAL PERSONNEL SERVICES</b>		<b>\$2,614,018</b>	<b>\$2,824,804</b>	<b>\$3,323,086</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,323,086</b>

**OPERATIONS**

220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$2,682	\$5,400	\$33,200	\$0	\$0	\$33,200
230	CONTRACTUAL SERVICES:	35,902	51,290	315,904	0	0	315,904
233	OFFICE SPACE RENTAL:	198,000	210,000	271,200	0	0	271,200
240	SUPPLIES & MATERIALS:	17,005	15,000	24,700	0	0	24,700
250	EQUIPMENT:	5,779	5,300	98,740	0	0	98,740
270	WORKERS COMPENSATION	0	0	0	0	0	0
271	DRUG TESTING	0	0	1,512	0	0	1,512
280	SUB-RECIPIENT/SUBGRANT:	0	0	0	0	0	0
290	MISCELLANEOUS:	9,888	14,400	44,500	0	0	44,500
<b>TOTAL OPERATIONS</b>		<b>\$269,256</b>	<b>\$301,390</b>	<b>\$789,756</b>	<b>\$0</b>	<b>\$0</b>	<b>\$789,756</b>

**UTILITIES**

361	Power	\$0	\$0	\$21,600	\$0	\$0	\$21,600
362	Water/ Sewer	0	0	0	0	0	0
363	Telephone/ Toll	22,571	24,000	32,030	0	0	32,030
<b>TOTAL UTILITIES</b>		<b>\$22,571</b>	<b>\$24,000</b>	<b>\$53,630</b>	<b>\$0</b>	<b>\$0</b>	<b>\$53,630</b>

**CAPITAL OUTLAY**

450	<b>CAPITAL OUTLAY</b>	\$0	\$0	\$50,163	\$0	\$0	\$50,163
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**TOTAL APPROPRIATIONS**

<b>TOTAL APPROPRIATIONS</b>		<b>\$2,905,845</b>	<b>\$3,150,194</b>	<b>\$4,216,635</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,216,635</b>
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1/ Specify Fund Source

**FULL TIME EQUIVALENCIES (FTEs)**

UNCLASSIFIED	2.00	2.00	1.00	0.00	1.00	2.00
CLASSIFIED	47.00	48.00	49.00	0.00	9.00	58.00
<b>TOTAL FTEs</b>	<b>49.00</b>	<b>50.00</b>	<b>50.00</b>	<b>0.00</b>	<b>10.00</b>	<b>60.00</b>

**BUDGET DIGEST SUMMARY**

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**FOOTNOTES:**

For Fiscal Year 2011, an increase of **\$1,066,441** or 34% is requested over the appropriation level for Fiscal Year 2010. The additional request is broken down and described below:

**1. PERSONNEL SERVICES:**

**\$330,602**      **REGULAR SALARIES/INCREMENTS:** Is needed to fund attorneys' pay adjustments and employees' salary increments. In addition, we are requesting for 4 new Attorneys (\$174,720), 2 new Investigators (\$67,674), and 4 new Legal Secretaries (\$104,114).

**\$121,655**      **Benefits:** Is needed to fund for mandated increases in the government's share of retirement contributions. The additional request is attributed to the request for 4 new Attorneys (\$52,244), 2 new Investigators (\$20,432) and 4 new Legal Secretaries (\$31,832).

**\$46,025**      Funding for life, medical and dental insurance is requested at current levels even though we anticipate increases in the government's share. This increase is due to our request for 4 new Attorneys (\$16,436), 2 new Investigators (\$8,218) and 4 new Legal Secretaries (\$16,436).

**\$498,282**      **SUB-TOTAL FOR PERSONNEL COSTS IN FY2011**

**2. OPERATIONS:**

**a. \$27,800**      **TRAVEL** (Off-Island 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. Additional funding is requested to pay for off-island training for 4 attorneys and 2 staff.

**b. \$264,614**      **CONTRACTUAL SERVICES:** Funds are used to pay for the lease of a copy machine (\$15,000), Malpractice Insurance (\$8,900), Westlaw Internet Services (\$19,800), the maintenance of our Canon - Archiving System (\$3,400), Pitney Bowe - Postage Meter Machine (\$600), Gets Business System for the maintenance of our office equipment & stamp machine (\$1,500), DSL service (\$1,500), Internet Website Hosting (\$200), Notary Bonding (\$1,250) and our Quickbooks Payroll subscription (\$300). In addition, we are requesting to use funds to pay for: Accounting software (\$750), Consulting Services to assist with programming the Accounting software (\$5,000), Printing/Binding of Personnel Rules & Regulations and Drug Free Workplace handbooks (\$1,780), annual renewal for Security Software license (\$2,500), mobile shredding of documents (\$2,500), Abacus Upgrade for 45 licenses (\$18,000), Adobe Suite CS-4 Upgrade (\$2,499), Microsoft Client Access for 10

**BUDGET DIGEST SUMMARY**

Page 3 of 4

Licenses (\$2,500), Microsoft Office Software Licenses Upgrade (\$14,950), Installation of network cable (\$9,375), Cleaning Services at proposed office rental (\$18,900), Carpet installation at proposed office rental (\$15,000), Relocation to proposed office rental (\$15,700), and Renovation cost at proposed office rental space (\$154,000).

- c. \$61,200**      **OFFICE SPACE RENTAL:** The amount requested for Fiscal Year 2010 was \$210,000, or a monthly rate of \$17,500. In Fiscal Year 2011, we are requesting for additional funding to pay for the increase in office space rental to accommodate the additional staffing. However, if funding is not approved for the 10 new staff, we still need additional funds of \$27,612 to renegotiate with the Judicial Council of Guam for the FY 2011 rental rate. Due to rising costs of utilities and other expenditures associated with the use of common areas, we anticipate our rental rate to increase to \$237,612 or a monthly rate of \$19,801.
- d. \$9,700**      **SUPPLIES & MATERIALS:** These funds are used to purchase office supplies and materials. Please refer to BBMR96A for details. The request for additional funds is to allow for inflationary costs of supplies and materials as well as the addition of 10 new staff.
- e. \$93,440**      **SMALL EQUIPMENT:** The request for additional funding is to replace obsolete/damaged equipment or furniture (\$29,350); to purchase office furniture and equipment for 10 new staff (\$41,500); and to purchase new equipment (\$27,890). Please refer to Division's Budget Digest for details.
- f. \$1,512**      **DRUG TESTING:** The request for funds is to pay for random drug testing to comply with the Drug Free Workplace Act of 1988.
- g. \$30,100**      **MISCELLANEOUS:** In this category, monies provide for Guam Bar Dues (\$4,500); Professional Dues – NACDL/NLADA (\$400); Training and/or Career Development Costs (\$3,000); advertising costs for mandated Notices of Public Meetings (Board of Trustees) (\$2,700); publications of job announcements (\$2,000); 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 30-55 (\$1,200); and fees for payroll costs (\$1,300). The request for additional funds is to pay for publications of bids/rfps for the proposed purchase of equipment or furniture and costs involved for the proposed relocation due to increase in staff (\$13,000); request for specific training (\$8,000); and clothing allowance for Investigators and Process Servers (\$7,200).
- h. \$21,600**      **POWER:** The request to pay for power is for the proposed office space rental. The costs of the Air Conditioners are included with the common area fees. The lights and outlets will be sub-metered.
- i. \$8,030**      **TELEPHONE UTILITIES:** Funds are used to pay for telephone services (\$31,370), pager services (\$360) and long distance calls (\$300). The increase is to pay for additional phone lines and services for the additional staffing.

**BUDGET DIGEST SUMMARY**  
Page 4 of 4

j. \$50,163      **CAPITAL OUTLAY:** Funds are requested to pay for purchase of vehicles to be used for the Investigative and Process Divisions. PDSC employees utilize their personal vehicles to perform their duties and are not covered under their auto insurance in the event they get into a work-related accident.

\$568,159      **SUB-TOTAL FOR OPERATIONAL, UTILITIES AND CAPITAL OUTLAY COSTS IN FY2011**

\$1,066,441      **TOTAL INCREASE FOR FY2011 OVER FY2010's AUTHORIZED LEVEL**

**DECISION PACKAGE  
FY 2011**

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

**Program Title:** Director's 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. For Fiscal Year 2011, this includes the addition of four (4) additional attorneys, two (2) special investigators, and four (4) legal secretaries, as well as expanded office space in order to accommodate these employees and associated office equipment/furniture/supplies.

<b>Workload Output</b>			
<b>Workload Indicator:</b>	<b>FY 2009 Level of Accomplishment</b>	<b>FY2010 Anticipated Level</b>	<b>FY2011 Projected Level</b>
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 2011  
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			F
		FY 2009 Expenditures & Encumbrances	FY 2010 Authorized Level	FY 2011 General Fund	FY 2011 Federal Match Fund(s)	FY 2011 Other Fund I/	FY 2011 Total Req. (C+D+E)

**PERSONNEL SERVICES**

111	Regular Salaries/Increments/Special Pay	\$192,925	\$195,081	\$200,354	\$0	\$0	\$200,354
112	Overtime	0	0	0	0	0	0
113	Benefits	50,638	53,509	57,251	0	0	57,251
114	Insurance Benefits (Medical / Dental / Life)	14,248	15,831	15,614	0	0	15,614
<b>TOTAL PERSONNEL SERVICES</b>		<b>\$257,811</b>	<b>\$264,421</b>	<b>\$273,219</b>	<b>\$0</b>	<b>\$0</b>	<b>\$273,219</b>

**OPERATIONS**

220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$0	\$0	\$9,000	\$0	\$0	\$9,000
230	CONTRACTUAL SERVICES:	30,880	44,940	248,800	0	0	248,800
233	OFFICE SPACE RENTAL:	198,000	210,000	271,200	0	0	271,200
240	SUPPLIES & MATERIALS:	1,431	600	1,200	0	0	1,200
250	EQUIPMENT:	505	2,800	350	0	0	350
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:	9,888	14,400	29,300	0	0	29,300
<b>TOTAL OPERATIONS</b>		<b>\$240,704</b>	<b>\$272,740</b>	<b>\$559,850</b>	<b>\$0</b>	<b>\$0</b>	<b>\$559,850</b>

**UTILITIES**

361	Power	\$0	\$0	\$21,600	\$0	\$0	\$21,600
362	Water/ Sewer	0	0	0	0	0	0
363	Telephone/ Toll	22,571	24,000	32,030	0	0	32,030
<b>TOTAL UTILITIES</b>		<b>\$22,571</b>	<b>\$24,000</b>	<b>\$53,630</b>	<b>\$0</b>	<b>\$0</b>	<b>\$53,630</b>

450	<b>CAPITAL OUTLAY</b>	\$0	\$0	\$0	\$0	\$0	\$0
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<b>TOTAL APPROPRIATIONS</b>		<b>\$521,066</b>	<b>\$561,161</b>	<b>\$886,699</b>	<b>\$0</b>	<b>\$0</b>	<b>\$886,699</b>
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**1/ Specify Fund Source**

**FULL-TIME EQUIVALENCIES (FTE)**

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
<b>TOTAL FTE:</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2.00</b>

Note 1 - Off-Island Travel/Local Mileage Reimb.: Funds are requested to pay for off-island training for 2 staff (\$9,000).

Note 2 - Contractual: Funds are requested to pay for Malpractice Insurance (\$8,900), lease of Xerox Machine (\$15,000), Westlaw Internet Service (\$19,800), DSL Service (\$1,500). In addition, the following request for funds are associated with the proposed office rental: Relocation Cost (\$15,700), Renovation Cost (\$154,000), Installation of Carpet (\$15,000), and Cleaning Service (\$18,900).

Note 3 - Equipment: The request for funds is to purchase a netbook system (\$350).

Note 4 - Miscellaneous: The request for funds is to pay for Advertising Cost for Board Meetings and Job announcements (\$4,700), RFP's/Bid Announcements (\$13,000), Guam Bar Dues (\$4,500), 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 5 - Telephone Utilities: The request for funds is to pay for services for telephone (\$31,370), long distance calls (\$300) and pagers (\$360).

**DECISION PACKAGE  
FY 2011**

**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, 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.)
  
3. To employ four (4) additional attorneys for this program in order to minimize the excessive caseload currently experienced by staff attorneys. This will bring the PDSC closer to the workload levels recommended by the Guam Rules of Professional Conduct for each attorney.

<b>Workload Output</b>			
<b>Workload Indicator:</b>	<b>FY 2009 Level of Accomplishment</b>	<b>FY2010 Anticipated Level</b>	<b>FY2011 Projected Level</b>
Number of New Cases Received and Assigned	2,037	2,172	2,307
Number of Lawyer-Client Contacts	20,414	10,051	15,000
Number of Cases Closed (Resolved)	1,468	2,388	3,390

Government of Guam  
Fiscal Year 2011  
Budget Digest

[BBMR BD-1]

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

AS400 Account Code	Appropriation Classification	A	B	C	D	E	F
		FY 2009 Expenditures & Encumbrances	FY 2010 Authorized Level	Governor's Request			
				FY 2011 General Fund	FY 2011 Federal Match Fund(s)	FY 2011 Other Fund 1/	FY 2011 Total Req. (C+D+E)
<b>PERSONNEL SERVICES</b>							
111	Regular Salaries/Increments/Special Pay	\$850,512	\$895,613	\$1,081,833	\$0	\$0	\$1,081,833
112	Overtime	0	0	0	0	0	0
113	Benefits	227,304	249,611	315,359	0	0	315,359
114	Insurance Benefits (Medical / Dental / Life)	20,426	25,200	45,241	0	0	45,241
	<b>TOTAL PERSONNEL SERVICES</b>	<b>\$1,098,242</b>	<b>\$1,170,424</b>	<b>\$1,442,433</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,442,433</b>
<b>OPERATIONS</b>							
220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$0	\$0	\$18,000	\$0	\$0	\$18,000
230	CONTRACTUAL SERVICES:	0	0	0	0	0	0
233	OFFICE SPACE RENTAL:	0	0	0	0	0	0
240	SUPPLIES & MATERIALS:	1,560	1,200	1,500	0	0	1,500
250	EQUIPMENT:	1,507	0	21,800	0	0	21,800
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
	<b>TOTAL OPERATIONS</b>	<b>\$3,067</b>	<b>\$1,200</b>	<b>\$41,300</b>	<b>\$0</b>	<b>\$0</b>	<b>\$41,300</b>
<b>UTILITIES</b>							
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
	<b>TOTAL UTILITIES</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
450	<b>CAPITAL OUTLAY</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>TOTAL APPROPRIATIONS</b>	<b>\$1,101,309</b>	<b>\$1,171,624</b>	<b>\$1,483,733</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,483,733</b>

**1/ Specify Fund Source**

<b>FULL TIME EQUIVALENCIES (FTEs)</b>							
UNCLASSIFIED		0.00	0.00	0.00	0.00	0.00	0.00
CLASSIFIED		10.00	10.00	14.00	0.00	0.00	14.00
<b>TOTAL FTEs</b>		<b>10.00</b>	<b>10.00</b>	<b>14.00</b>	<b>0.00</b>	<b>0.00</b>	<b>14.00</b>

Note 1 - Off-Island Travel/Local Mileage Reimb.: Funds are requested to pay for off-island training for 4 Attorneys (\$18,000).

Note 2 - Equipment: Funds are requested to pay for 14 netbook systems (\$4,900). The following is requested for the 4 new Attorneys: office furniture (\$8,500), computer workstations (\$7,200) and telephone instruments (\$1,200).

**DECISION PACKAGE  
FY 2011**

**Department/Agency:** PUBLIC DEFENDER SERVICE CORPORATION  
**Division/Section:** Investigations

**Program Title:** Investigative Services

**Activity Description:** This program involves the rendering of technical assistance to attorneys in the preparation of client cases by conducting research and investigative activities (e.g., interviews with witnesses, examination and evaluation of crime scenes, etc.). Investigative services provide the attorneys with critical information which serves as the basis for the appropriate course of action in the representation of clients.

**Major Objective(s):** For Fiscal Year 2011, we seek additional staffing---two (2) Special Investigators---for this division. This is necessitated by the additional number of attorneys being requested for Fiscal Year 2011. Presently, one investigator is assigned to handle investigative services for two attorneys. Additional attorneys' requests without additional investigators would only cripple the ability of this program to conduct quality investigations which provide attorneys with the "backbone" of defense strategies for their clients.

In addition, the acquisition of official vehicles for investigators to use while performing field assignments is sought for Fiscal Year 2011. The current mileage reimbursement rate, which mirrors mileage rates established by the federal government, does not compensate affected employees for the maintenance and/or wear-and-tear of their personally-owned vehicles which they utilize for work purposes.

In line with the additional investigators being requested, associated office equipment and/or furniture will be needed in order to provide adequate tools for these individuals to perform their jobs.

**Short-term Goals:**

The foremost goal of this group is to provide substantive information to attorneys in the management of a case. In criminal cases, the investigator's work provides insight for the attorney on the strength of the government's/prosecutor's case, the validity of the charges, and any defenses the client may have to the charges. Additionally, to ensure current information in a client's case file, all investigative activities are inputted into the agency's case management system.

<b>Workload Output</b>			
<b>Workload Indicator:</b>	<b>FY 2009 Level of Accomplishment</b>	<b>FY2010 Anticipated Level</b>	<b>FY2011 Projected Level</b>
Number of Investigations Conducted	4,321	4,468	4,750
Number of Interviews Conducted	3,498	3,184	3,300
Number of Court Appearances Made	168	194	210
Number of Subpoenas Served	194	210	230
Number of Waivers Obtained From Victims	228	192	200
Number of Referrals to Appropriate Agencies	1,633	2,048	2,230

Government of Guam  
Fiscal Year 2011  
Budget Digest

[BBMR BD-1]

Function: Public Safety  
Department/Agency: Public Defender Service Corporation  
Program: Investigative Services

AS400 Account Code	Appropriation Classification	A	B	Governor's Request			
		FY 2009 Expenditures & Encumbrances	FY 2010 Authorized Level	FY 2011 General Fund	FY 2011 Federal Match Fund(s)	FY 2011 Other Fund 1/	FY 2011 Total Req. (C+D+E)
<b>PERSONNEL SERVICES</b>							
111	Regular Salaries/Increments/Special Pay	\$219,456	\$223,863	\$296,732	\$0	\$0	\$296,732
112	Overtime	0	0	0	0	0	0
113	Benefits	58,727	62,414	86,945	0	0	86,945
114	Insurance Benefits (Medical / Dental / Life)	4,485	9,691	17,045	0	0	17,045
<b>TOTAL PERSONNEL SERVICES</b>		<b>\$282,668</b>	<b>\$295,968</b>	<b>\$400,722</b>	<b>\$0</b>	<b>\$0</b>	<b>\$400,722</b>
<b>OPERATIONS</b>							
220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$1,590	\$3,000	\$3,000	\$0	\$0	\$3,000
230	CONTRACTUAL SERVICES:	0	0	0	0	0	0
233	OFFICE SPACE RENTAL:	0	0	0	0	0	0
240	SUPPLIES & MATERIALS:	163	600	700	0	0	700
250	EQUIPMENT:	75	0	27,540	0	0	27,540
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	5,600	0	0	5,600
<b>TOTAL OPERATIONS</b>		<b>\$1,828</b>	<b>\$3,600</b>	<b>\$36,840</b>	<b>\$0</b>	<b>\$0</b>	<b>\$36,840</b>
<b>UTILITIES</b>							
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
<b>TOTAL UTILITIES</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
450	<b>CAPITAL OUTLAY</b>	<b>\$0</b>	<b>\$0</b>	<b>\$36,226</b>	<b>\$0</b>	<b>\$0</b>	<b>\$36,226</b>
<b>TOTAL APPROPRIATIONS</b>		<b>\$284,496</b>	<b>\$299,568</b>	<b>\$473,788</b>	<b>\$0</b>	<b>\$0</b>	<b>\$473,788</b>

1/ Specify Fund Source

FULL TIME EQUIVALENCIES (FTEs)							
UNCLASSIFIED	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CLASSIFIED	5.00	5.00	7.00	0.00	0.00	0.00	7.00
<b>TOTAL FTEs</b>	<b>5.00</b>	<b>5.00</b>	<b>7.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>7.00</b>

Note 1 - Off-Island Travel/Local Mileage Reimb.: Funds are requested to pay for local mileage reimbursement in the event the purchase of vehicles will not be funded.

Note 2 - Equipment: Funds are requested to pay for furniture and equipment for 2 new Investigators; office furniture (\$4,000), computer workstations (\$3,600), and telephone instruments (\$600). In addition, the following is requested; to replace 3 obsolete workstations (\$5,400), to purchase a printer (\$1,200), 2 digital cameras (\$400), raincoats and umbrellas (\$350), laptop computers (\$5,000), 2 additional phone instruments (\$600) and 2 scooter/moped (\$6,390).

Note 3 - Miscellaneous: The request for funds under this category is to pay for clothing allowance.

Note 4 - Capital Outlay: Funds are requested to purchase 2 vehicles for official use.

**DECISION PACKAGE  
FY 2011**

**Department/Agency:** PUBLIC DEFENDER SERVICE CORPORATION  
**Division/Section:** Legal Secretaries

**Program Title:** Legal Secretarial Services

**Activity Description:**

This division provides legal secretarial services to attorneys, expedites the processing of cases and is the liaison between clients and attorneys. It is responsible for providing legal secretarial services to attorneys in case management and processing, coordinating and handling communications between the attorneys, the general clientele, interested parties, and other divisions within the agency.

**Major Objective(s):**

1. To provide direct clerical and secretarial support to the attorneys;
2. To provide effective communications between the attorneys, the general clientele, interested parties, and other divisions within the agency;
3. To provide efficient services to the general clientele;
4. To provide an effective means of case facilitation, particularly with optimal usage of the Abacus system of case management; and
5. To add four (4) legal secretaries to the current staffing level in this section, in line with the additional four (4) attorneys requested for Fiscal Year 2011, as well as related office equipment/furniture for their use in carrying out their duties and responsibilities.

**Short-term Goals:**

- A. To provide clerical and secretarial support to the attorneys in an efficient and professional manner; and
- B. To provide constant, effective communications with the attorneys, clients, other agencies, office personnel and the general public.

<b>Workload Output</b>			
<b>Workload Indicator:</b>	<b>FY 2009 Level of Accomplishment</b>	<b>FY2010 Anticipated Level</b>	<b>FY2011 Projected Level</b>
Number of Cases Completed/Closed	1,468	2,388	3,390
Number of Case Files Received	2,037	2,172	2,307
Number of Documents Received	15,061	15,052	15,100
Number of Personal Contacts (Walk-in Clients)	2,220	2,409	2,600
Number of Telephonic Contacts	7,394	5,492	6,500
Number of Appointments Scheduled	9,481	4,238	5,500
Number of Documents Typed	13,923	4,602	8,335
Number of Documents Sent Out	5,654	5,032	5,100
Number of Investigative Requests Made	794	586	650