

"Safeguarding Indigent Defense"

CITIZEN CENTRIC REPORT

FY2020

About PDSC

The Public Defender Service Corporation (PDSC) exists to provide effective legal assistance to those unable to afford private counsel, thereby ensuring equal protection of their lawful rights, in accordance with prescribed ethics, laws, rules and regulations.

Established on July 10, 1975, through Public Law 13-51 (12 GCA, Chapter 11), PDSC's Board of Trustees was created as the governing body of the Corporation seeking to ensure the best interest of stakeholders in all types of management decision.

Core Values

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

Mission Statement

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

Why We Exist

Gideon v. Wainwright, 372 U.S. 335 (1963)

"The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him."

Through *Gideon v. Wainwright*, the PDSC team works to ensure that the clients' individual rights in all criminal and related matters are protected. In criminal trials, the right to counsel is a fundamental right. Having a strong public defense system is a central component of an effective crime-fighting policy that helps to shield poor citizens and, indirectly, all citizens against abuses. This is why PDSC is an important part of our community—representing Guam's indigent population—and this is the very reason why we exist for you.

Our Team

EMPLOYMENT STATUS	2018	2019	2020
Unclassified	2	2	2
Classified	47	48	46
Limited Term Employment	3	3	4

BOARD OF TRUSTEES

- Chief Justice F. Philip Carbullido, Chairman
- Presiding Judge Alberto C. Lamorena III, Vice Chairman
- Attorney Jacqueline T. Terlaje, GBA President / Member
- Attorney Cynthia V. Ecube, Member
- Mrs. Donna Muña-Quiñata, Member



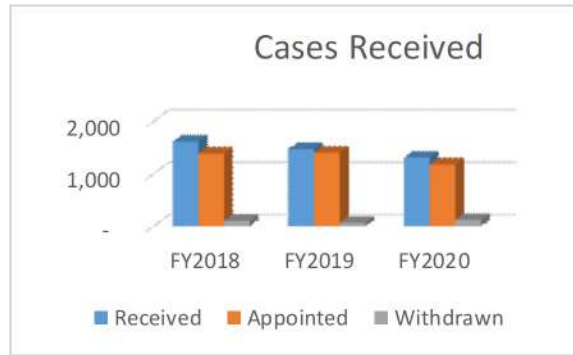
Contact Information

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Performance Measures



	FY2018	FY2019	FY2020
Received	1,616	1,475	1,315
Appointed	1,388	1,406	1,181
Withdrawn	106	69	124

PDSC's court-appointed cases for FY2020 showed a slight decrease of cases coming from the Judiciary of Guam (JOG) despite the pandemic. While other businesses were affected by the shutdown,

business at PDSC maintained its flow of clients in need of services. The pandemic did not prevent individuals from requiring representation for their legal needs. As a matter of fact, the Corporation picked up more work as the court ordered the PDSC to represent all incoming travelers who are subject

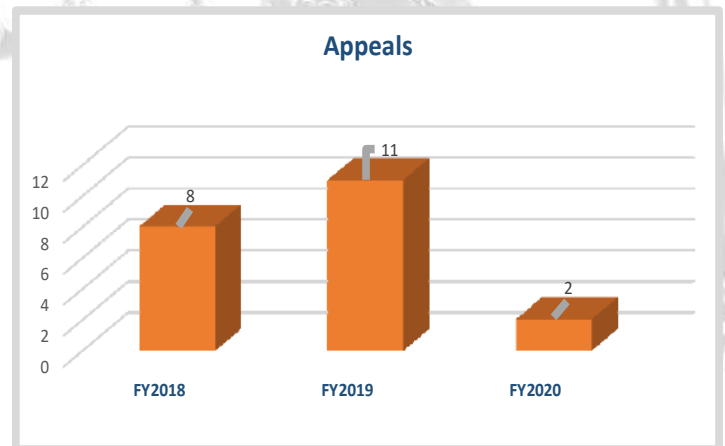
to quarantine as well as the close-out of WWII claims. That being said, while most businesses were shut down, PDSC remained open. We continued to keep pace with the individuals in need of legal assistance whether for criminal and some civil matters.

While paralleling the Court's pace relative to legal services, like other businesses throughout the island, more was required throughout the entire office, as a result of COVID, to help process individuals with legal representation .

Appeals (2018—2020)

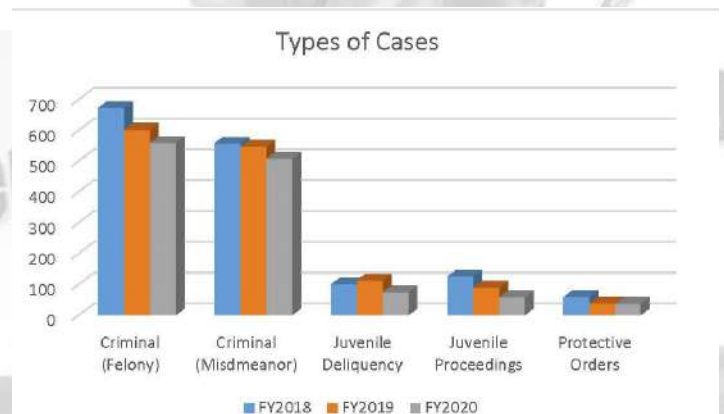
In line with the pandemic, PDSC's appellate work was significantly lower than previous years. As the court worked to implement new processes relative to hearings and court appearances, we kept pace with the expectations of the Judiciary. Trials and courtroom appearances were limited to the COVID safety protocols that were established by the Judiciary of Guam.

Generally, appellate attorneys spend most of their time in their offices doing legal research and writing appellate briefs. However, at PDSC, appellate attorney handle trials at the lower court in addition to their appellate work at the Supreme Court. Because of caseload, our attorneys are to maintain a diverse caseload for indigent defense.



Caseload Activity

The total number of criminal cases filed in the Superior Court of Guam, PDSC continued to take a bulk of the cases in FY2020. Of these cases received (1,233), Criminal Felony and Criminal Misdemeanor took up 85% of the workload. The Corporation continues to represent a bulk of Guam's criminal cases. In FY2020, we hired a Social Worker in hopes to effectively provide our clients with holistic defense—assisting them to connect with the right social services on island—with a greater hope to reduce recidivism and strengthen public safety.

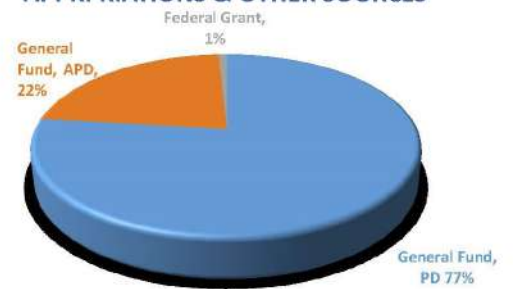


Our Finances

APPROPRIATIONS and OTHER SOURCES

Funding Source	FY2018	FY2019	FY2020	% Change	Trend
General Fund	\$3,339,737	\$4,344,170	\$4,724,408	8.75%	↑
JOG (APD)	1,110,501	1,193,248	\$1,376,264	15%	↑
Federal Grant	14,422	44,752	50,420	13%	↑
Total Approp. & Other Sources	\$4,464,660	\$5,584,189	\$6,151,092	10%	↑

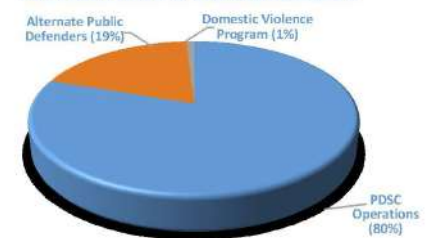
APPROPRIATIONS & OTHER SOURCES



EXPENDITURES and ENCUMBRANCES

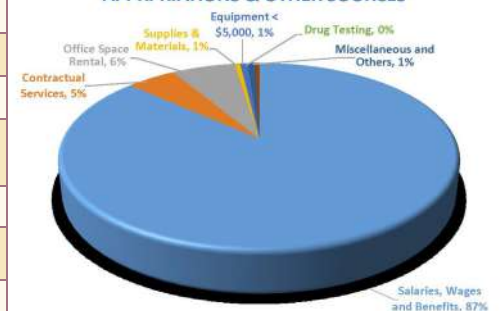
Programs	FY2018	FY2019	FY2020	% Change	Trend
PDSC Operations	\$4,391,556	\$4,138,259	\$4,435,254	7%	↑
Domestic Violence	14,422	44,752	50,420	13%	↑
Alternate Public Defender	1,022,471	1,046,107	1,038,960	-0.68%	↓
Total Programs	\$5,428,449	\$5,231,137	\$5,524,634	6%	↑

EXPENDITURES & ENCUMBRANCES



Exp. & Encum.	FY2018	FY2019	FY2020	% Change	Trend
Sal., Wages & Bens.	\$4,815,581	\$4,651,949	\$4,788,668	2.94%	↑
Contractual Services	164,843	145,076	263,665	81.74%	↑
Office Space Rental	339,696	339,696	339,696	0	
Supplies & Mat.	17,069	26,889	28,832	7.23%	↑
Equipment < \$5,000	28,851	14,004	39,253	180.30%	↑
Drug Testing	216	200	160	7.23%	↑
Misc./Others	47,771	44,796	38,949	-20%	↓
Capital Outlay	0	0	25,410	100%	↑
Off Island Travel	0	6,506	0	-100%	↓
Total Exp. & Enc.	\$5,414,027	\$5,229,116	\$5,524,634	-3%	↑

APPROPRIATIONS & OTHER SOURCES



PDSC is included in the Government-Wide annual audit. The audit for FY2020 resulted in a clean audit opinion. The complete financial information can be found at <http://www.http://guampdsc.org/about-us/additional-information/citizen-centric-report/>

Challenges & Future Outlook

Challenges

COVID-19 brought a strain on Guam's judicial process that impacted the Public Defender Service Corporation. Representing the community's marginalized residents facing obstacles such as poverty, mental illness, chemical dependency, and systemic biases – COVID complicated to an already unyielding system. As a result of the pandemic, here are some of the challenges the organization faced:

- 1. Attorney-Client Access.** With the shut-down of GovGuam, Department of Corrections and Department of Youth Affairs went into immediate lock-down mode. Consequently, PDSC attorneys were unable to meet or speak with their clients regarding the resolution of their cases. PDSC was very concerned and remained vigilant in protecting their clients' 6th Amendment Rights would be violated as a result to COVID.
Technological and Logistical Limitations. New to a pandemic, no one prepared technologically or logistically to keep the judicial process moving. Consequently, PDSC's clients' cases were at a stand-still for more than a month. While trying to navigate through the new norm, Public Defender explored other options that allows for on-going communication between attorneys and its clients. The Corporation is working with the Judiciary of Guam as well as reaching out to other Public Defender offices throughout the nation to see what these offices are implementing so that client contact is not compromised. Adjusting to these circumstances, the PDSC will continue to explore options and possibilities so that clients are able to communicate with their attorneys, secretaries, and investigators – despite the challenges brought on by the pandemic.
- 3. Client Confidentiality.** At this juncture, PDSC is unable to maintain safe and reliable confidential communication with their in-custody clients. These limitations place defenders in a position of compromising their health and safety to maintain professional, ethical standards and their client's constitutional right to counsel.
- 4. Maintain Consistent Workflow.** Adjusting to GovGuam's shutdown, while maintaining court hearings via Zoom and a court order to represent all incoming travelers refusing to stay at the government's designated COVID quarantine facilities, PDSC definitely had its hands full through FY2020. All employees were required to come into the office – on modified work schedules with COVID safety protocols in place – to assist attorneys with their caseloads. Meanwhile, most other GovGuam employees stayed home to help reduce the spiraling number of COVID cases and deaths that occurred at the onset of the pandemic.
- 5. Ensuring the Health, Safety & Welfare of PDSC.** Staying abreast with COVID safety protocols, the PDSC made adjustments to the workplace that ensured mechanisms were in place for the health, safety, and welfare of its employees and clients alike. Based on recommendations by the governor's Physicians Advisory Group, Department of Public Health & Social Services and the Center for Disease Control, the Corporation made such modifications so that individuals coming into the office were safe from contracting and spreading COVID. However, despite such fine-tuning, COVID still impacted team members who contracted the virus that concerned other employees wanting to keep themselves and family members safe.
- 6. Funding Uncertainties.** With the island on shut-down mode and the absence of inbound tourism travel, PDSC recognizes that revenue collection by GovGuam will be significantly reduced. Subsequently, general fund money available to GovGuam departments and agencies will likely correlate with the collapse of Guam's visitor industry. Planning ahead, the Corporation tightened its belt and limited most purchases that related to setting up COVID safety protocols which included transitioning into a virtual world of Zoom and/or Google Meets for hearings, trials and meetings. Face-to-face contact was limited to help reduce the spread of COVID.

Future Outlook

Uncertain of the impact that this global pandemic will have on Guam's social as well as economic landscape, PDSC has made modifications to ensure the health, safety, and welfare of its internal and external communities is somewhat protected. Working in a pandemic state, Guam's economic outlook appears gloomy in proceeding fiscal years. Recognizing such possibilities, the Corporation will make adjustments to keep pace with the Judiciary of Guam's court proceedings as well as ensure PDSC's clients' 6th Amendment Rights are protected. That being said, the Corporation's outlook into the proceeding fiscal year is as follows:

- 1. Facilitate Attorney-Client Confidential Communication.** Based on current circumstances, PDSC is exploring options that will allow for PDSC to create the right environment so that our clients' discussions with their attorneys are kept confidential.
- 2. Provide DOC, DYA and the Hagåtña Detention Center with Equipment and Technology.** Seek additional funding through grants or other funding sources in order for in-custody individuals to have easy, private, unrecorded Zoom access.
- 3. Employ e-filing and Encourage Swift Exchange of Discovery and Negotiated Resolutions.** With the closure of the GovGuam, the court remained open forcing the PDSC to open its offices to keep pace with the court. With limited access, the Corporation developed protocols for the transmittal of court documents that were emailed to the office. This whole process helped move e-filing through the system for improved efficiency.
- 4. Develop Remote Work Plan for PDSC Team Members.** Considering creating a remote work plan so that team members are able to do work from home so that the Corporation's workflow is uninterrupted.

WE WANT TO HEAR FROM YOU!

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