

PUBLIC DEFENDER SERVICE CORPORATION
Board of Trustees Regular Meeting
Tuesday, August 18, 2015 – 12:30 p.m.
Conference Room,
Public Defender Service Corporation

A G E N D A

- I. Call to Order**
- II. Roll Call**
- III. Proof of Due Notice of Meeting:**
 - A. 5 Working Days Notice: Marianas Variety, Monday, August 10, 2015
 - B. 48 Hours Notice: Marianas Variety, Friday, August 14, 2015
- IV. Determination of Quorum**
- V. Approval of Minutes:** Regular Meeting of Friday, July 24, 2015
- VI. Old Business:**
 - A. Financial Status Update (PDSC and APD) Allotment Releases
 - B. Domestic Violence Program Update
 - C. Alternate Public Defender Update
 - D. PDSC Executive Director – CWA Pay Grade Assignment
 - E. PDSC Executive Director Performance Evaluation
 - F. Amendments/Adoption of PDSC Personnel Rules and Regulations
- VII. New Business:**
 - A. Resolution No. 22-15 Relative to the Use of Lapsed Funds for the expenses of the celebration of the 40th Anniversary of the Public Defender Service Corporation, which was enacted by Public Law 13-51, known as the Public Defender Service Corporation Act of 1975.
 - B. Executive Session: Procedural Discussion – Grievance of CSN
 - C. Private Bar Panel Training by Professor Laurie Shanks: Visiting Emerita Clinical Professor of Law at Albany Law School, Albany, New York will be conducting training for PDSC, APD and other Defense Attorneys, Friday, September 25, 2015.
 - D. Proposed Amendment to By-Laws
 - E. Resolution No. 23-15 Relative to the Use of Lapsed Funds to enable PDSC Defense Attorney to attend the 2015 NCDC DWI Court Planning Training, December 7-10, 2015 in Newport Beach, CA.
- VIII. Public Discussion:**
- IX. Adjournment and Next Meeting Date:**

Tuesday, September 29, 2015 at 12:30 p.m.

Police arrest man who allegedly pushed meth in daughter's presence

By Robert O. Tupaz
robert@mvguam.com
Variety News Staff

A MAN who allegedly sold methamphetamine in the presence of his daughter was arrested by federal agents on Thursday.

Federal agents with the U.S. Drug Enforcement Agency received a tip from a confidential informant identified by the DEA as its "source of information" on July 30 about the availability of methamphetamine, the drug commonly known as "ice," from the defendant's home in Tumon Heights.

In the succeeding week, DEA arranged with the source to purchase a certain amount of methamphetamine. The SOI initially purchased a gram of the suspected methamphetamine from the suspect at

his residence. The suspected drug was tested by the federal agents; the field test resulted in a presumptive positive for methamphetamine.

An agreement was made shortly thereafter by the source and the defendant to purchase an additional four grams of methamphetamine. According to court documents, the suspect agreed to charge the source \$400, which the source was to pick up from the residence.

Armed with the positive test and the agreement, DLA agents obtained a federal search warrant last Wednesday and conducted surveillance on the resident at his residence for the next day and a half. On Thursday, the suspect, Timothy C. Advincula, was pulled over by agents as he attempted to leave his home with his minor daughter.

Advincula was advised of the search warrant for his residence. As well, the agents searched the vehicle which Advincula and his daughter were in. The defendant reportedly admitted that a bag in the vehicle was his. Agents discovered just under five grams of suspected methamphetamine. A field test resulted in a presumptive positive for methamphetamine. Advincula also had \$3,590 in cash in the bag.

Advincula, 38, of Tumon Heights, was charged on Friday in the U.S. District Court of Guam with distribution of methamphetamine and possession with intent to distribute methamphetamine. He is in federal custody awaiting a preliminary hearing scheduled for Aug. 21. He is represented by attorney David Lujan Jr.

Getting it Done

TU
NU

Drunk driver flees scene of head-on

By Jacqueline Perry Guzman
jackie@mvguam.com
Variety News Staff

TEXTER Romot, 22, admitted to police he had consumed alcohol and fell asleep behind the wheel of a silver Nissan Sentra. Romot was startled awake when his car collided head-on with another vehicle. Romot then fled the scene of the accident.

On Aug. 5 at around 6 a.m., an officer from the Guam Police Department responded to a two-vehicle accident along a curved highway portion of Route 4 in Umatac, according to the magistrate's report.

When the officer arrived, he found a silver Toyota Tacoma with damage to its front but did not see another damaged vehicle at that location, the report said.

The officer spoke with the Tacoma's operator and owner.

"The victim stated that earlier that morning, he was driving northbound on Route 4 which curved towards the right. The victim said another vehicle, a silver Nissan Sentra was simultaneously traveling southbound on Route 4 toward the victim's silver Toyota Tacoma," it said in the report.

The victim indicated that the Sentra entered the victim's driving lane and struck the Tacoma head on. The victim reported that after the collision, the Sentra drove away, southbound on Route 4.

The victim complained of pain and was transported to Guam Memorial Hospital.

Later that morning, the officer spoke with a witness who told

the officer she was a passenger of the Sentra. The witness also told police Romot was the operator of that car.

At around 7:10 a.m. on that morning, an officer met with Romot at the Umatac mayor's office. When speaking with Romot, the officer reportedly smelled an odor of an intoxicating beverage coming from Romot's mouth.

Romot told the officer that on that morning, he drove the Sentra to a beach, parked the car and then drank a bottle of whiskey and an unknown number of cans of Bud Light.

Romot reportedly told the officer he then drove the Sentra and fell asleep while driving. He was awakened "due to the impact of the crash with the silver Toyota Tacoma."

Patient transferred from GRMC to GMH dies

A 69-YEAR-OLD patient being treated at Guam Memorial Hospital has died. Variety learned.

The patient was treated at GMH after he had first sought treatment at Guam Regional Medical City.

GMH spokeswoman June Perez confirmed to Variety the 68-year old man transferred from GRMC died on Aug. 6.

The patient arrived at GRMC on Aug. 3 but was told the new hospital was not yet ready

to provide the treatment he needed.

The man "was immediately provided a medical screening exam by one of our physicians," said Dr. Felix Cabrera, associate chief medical officer at GRMC. "The evaluation found that the person needed emergency care which is not yet available at GRMC. Nonetheless, initial supportive care was provided to the patient."

Cabrera said the patient was placed in an ambulance and

transported to GMH, where the care that was needed could be provided.

The Variety was contacted by a source at GMH who noted that the man was uninsured. Cabrera said insurance was not a factor.

"The patient was not turned away and the patient's ability to pay was never a factor," he said. GRMC expects to activate emergency services later this month, according to Cabrera.

(By Jacqueline Perry Guzman)

David Sims has been a self-employed videographer for 20 years. He said he loves the freedom of being his own boss. Matt Weiss / Variety

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

LEOPALACE GUAM DISTRIBUTING CORPORATION,
dba: CIAO CAFE

has applied for a Class: (4) GENERAL ON SALE, ALCOHOLIC BEVERAGE LICENSE said premises being marked as Lot: 177-4-1NEW TRACT 2511 #220 LAKE VIEW DR., YONA.

NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **Tuesday, August 18, 2015 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Mr. Wilfred G. Aflague at 475-3100.

/s/ **CHIEF JUSTICE ROBERT J. TORRES**
Chairman

This public notice is paid for with government funds.

Manning could face solitary confinement at military prison

NEW YORK (Reuters)—Chelsea Manning, a soldier imprisoned for leaking classified U.S. information to pro-transparency site WikiLeaks, could face solitary confinement on charges she violated prison rules by having prohibited reading material, her attorney said on Wednesday.

Manning was convicted in 2013 of providing more than 700,000 documents, videos, diplomatic cables and battlefield accounts to WikiLeaks, in the biggest breach of classified materials in U.S. history.

The former intelligence analyst, who was born a man but identifies as a woman, is serving a 35-year sentence at an all-male military prison at Fort

Leavenworth, Kansas.

Manning has been charged with a number of disciplinary infractions and will attend a hearing before a three-person discipline adjustment board on Aug. 18 at the prison, attorney Nancy Hollander said.

The alleged disciplinary infractions on July 2 and July 4 included attempted disrespect the possession of prohibited books and magazines while under administrative segregation, medicine misuse pertaining to expired toothpaste and disorderly conduct for pushing foot onto the floor, Hollander said.

The maximum penalty she faces is indefinite solitary confinement.

Los Angeles to pay \$15M to teen paralyzed by police

LOS ANGELES (Reuters) — The city of Los Angeles on Wednesday agreed to pay \$15 million dollars to the family of a teenager paralyzed in 2010 when he was shot by a police officer who mistook a pellet gun the youth was holding for a real firearm. Rohayent Gomez Eriza was 13 when he was struck by a single bullet while playing near his home with two friends, according to court documents. His family filed a lawsuit in 2011, saying the teen was "subjected to excessive force" by police officer Victor Abarca in the form of a gunshot that left the boy with "serious and permanent physical and psychological injuries."

Young men wait to see to see what happens during another night of demonstrating in Ferguson, Mo., Aug. 12. Reuters

Ferguson will remain in state of emergency

FERGUSON, Mo. (Reuters)—The St. Louis suburb of Ferguson, Missouri, the site of a year of occasionally violent protests over the police killing of an unarmed black teen, will remain under a state of emergency for at least another night, county officials said on Wednesday.

The state of emergency, which gives county police oversight of security in the city of 21,000 people, was declared following a shooting incident at a protest Sunday night to mark the one-year anniversary of the death of

18-year-old Michael Brown on Aug. 9, 2014. The decision came after two nights of relatively peaceful protests, with the St. Louis County police reporting no arrests or reports of injuries during a small demonstration by several dozen people Tuesday night into Wednesday morning.

"I am pleased to report our law enforcement officers have established order while preventing further acts of violence in Ferguson," said County Executive Steve Stenger, in a statement.

GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Board of Commissioners Meeting
10:00 A.M., Friday, August 21, 2015
GHURA Main Office, 1st Floor Conference Room
117 Bien Venida Avenue, Sinajana

Agenda

- I. ROLL CALL
- II. APPROVAL OF PREVIOUS BOARD MINUTES - July 27, 2015
- III. CORRESPONDENCE AND REPORTS
- IV. OLD BUSINESS
- V. NEW BUSINESS
- VI. GENERAL DISCUSSION/ANNOUNCEMENT
- VII. ADJOURNMENT

For special accommodation, contact Ms. Kathy Taitano
Tele No. 475-1322 or TTY #472-3701

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/s/ CHIEF JUSTICE ROBERT J. TORRES
Chairman

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REQUEST FOR PROPOSALS

NO. RFP #GBHWC-05-2015



PREVENTION EDUCATION AND COMMUNITY EMPOWERMENT (PEACE) PARTNERSHIPS FOR SUCCESS
Community Action Plan Implementation and Evaluation

The Guam Behavioral Health and Wellness Center (GBHWC) is inviting qualified non-profit organizations (school, faith, sports, cultural, village, community, civic-based or others) to join in Partnerships for Success to achieve Guam's PEACE vision: An island community empowered and committed to making informed decisions towards a healthier (mental, physical, spiritual) future for ourselves and others on Guam.

Interested qualified Guam-based non-profit organizations, whose mission and purpose are aligned with PEACE Partnerships for Success (PFS), are invited to respond to this Request for Proposal (RFP), to be contracted as PEACE PFS Partners funded by the SAMHSA (Substance Abuse and Mental Health Services Administration) Partnerships for Success (PFS) grant for PEACE (Grant Number 5U79SP090157-02, 09/30/2014-09/29/2015 and Grant Number 5U79SP090157-03, 09/30/2015-09/29/2016).

PEACE PFS Partners will be required to follow the Strategic Prevention Framework (SPF) 5-step process and to work together to reach PEACE PFS goals: 1) Prevent or reduce consumption and consequences of underage drinking and problem drinking among 12-20 year old and problem drinking among adults; 2) Prevent or reduce youth and adult tobacco use. To achieve these goals and the overall PEACE Vision, PEACE PFS Partners will collaboratively build upon the PEACE Pillars for Success, the community-generated logic model that drives the 5-Year Prevention Plan for Guam: Youth Empowerment, Effective Communication, Strong Leadership, Grass-roots Engagement, and Safe and Healthy Environment.

PFS Partners will implement and evaluate their PEACE-endorsed Community Action Plans (CAP) to prevent substance use and abuse and promote positive mental health. The interventions to be used with persons and groups of high need are to be described in their CAP; to build resilience, address risk and protective factors, and strengthen culturally and linguistically appropriate services on Guam. PEACE PFS Partners will also attend trainings and technical assistance meetings to build upon prevention knowledge, skills and resources that will support the successful implementation of their CAP and sustain interventions beyond the life of the grant.

RFP packages may be picked up at the Guam Behavioral Health and Wellness Center Office, located at 790 Governor Carlos G. Camacho Road, Tamuning, Guam, 96913 Monday through Friday, excluding holidays, between 8:00 a.m. and 5:00 p.m. or the RFP may be downloaded from GBHWC's website at www.gbhwg.guam.gov. GBHWC recommends all potential offerors register contact information with the agency to ensure they receive any notice regarding any changes or updates to the RFP. GBHWC will not be liable for failure to provide notice to any party who did not register contact information. The deadline for receipt of proposals is **not later than 3:00 p.m., Friday, August 21, 2015**, Guam Standard Time. All proposals must be submitted to the attention of the Director, Guam Behavioral Health and Wellness Center.

GBHWC shall have the right to reject all proposals or offers which have been submitted in response to this RFP, and/or cancel this RFP at any time, if the Director determines such to be in the interest of GBHWC and/or for whatever reason allowed by law and/or regulation, and/or for whatever reason whatsoever.

For additional information, contact the Prevention and Training Branch by phone at (671) 477-9079 thru 9083 or by facsimile at (671) 477-9076.

ANNOUNCEMENT ENDORSED BY:
REY M. VEGA, Director

Funding for this RFP is made possible by the Partnerships for Success Grant # 5U79SP020157-02 and 03 from the Substance Abuse and Mental Health Services Administration (SAMHSA)

BOARD OF TRUSTEES
Regular Meeting
of
Friday, July 24, 2015
12:45 p.m.
PDSC Conference Room

MINUTES

I. CALL TO ORDER:

This meeting was called to order by the Chairman, Chief Justice Robert J. Torres, Jr. at 12:45 p.m.

II. ROLL CALL:

Present: Chief Justice Robert J. Torres, Jr., Chairman
Presiding Judge Alberto C. Lamorena, III
Guam Bar Association Treasurer, Attorney Georgette B. Concepcion
Attorney Donna M. Cruz, Member

Absent; Excused Mrs. Annette J. U. Ada

Others Present: Attorney Eric D. Miller, PDSC Executive Director
Attorney AnaMaria C. Gayle, APD Managing Attorney
Wilfred G. Aflague, Administrative Director
Bernadette L.P. Lizama, PDSC Personnel Specialist IV
Michael S. Moreno, Chief Fiscal Officer
Julito Tingson, Jr. M.I.S. Administrator
Cecelia M. Fernandez, Administrative Assistant

III. PROOF OF DUE NOTICE OF MEETING:

“Notice of Public Meeting” were published in Marianas Variety on Tuesday, July 14, 2015 and Wednesday, July 22, 2015.

IV. DETERMINATION OF QUORUM:

With the presence of three (3) board members, a quorum was determined for this meeting.

V. APPROVAL OF MINUTES: Minutes of the regular board meeting held on Tuesday, June 23, 2015 were adopted and approved, subject to corrections. Moved by Vice-Chair, PJ Lamorena; Seconded by Trustee, Attorney Cruz.

VI. OLD BUSINESS:

A. Financial Status Updates (PDSC): Chief Fiscal Officer Michael Moreno reported that PDSC is at 85% of its scheduled allotment releases as of the end of May, 2015. Communications were ongoing with DOA. (APD) Quarterly Allotment Releases is at 77% as of the end of June, 2015. Last Quarter allotments are still pending the Memorandum of Understanding from the Judiciary, with amendments. The PDSC Administrative Director has been in contact with Mr. Joshua Tenorio of the Judiciary to follow-up on the MOU.

- B. Domestic Violence Program Update:** Chief Fiscal Officer Michael Moreno reported that we are operating under the STOP 2014 Grant in the amount of \$46,211.00. This amount should be sufficient for the next eighteen (18) pay-periods of operations.
- C. Alternate Public Defender Update:** Managing Attorney Annie Gayle reported on the Strategic Planning initiatives with Dr. Brenda J. Wagenknecht-Ivey of Praxis Consulting Co. This effort should guide the PDSC/APD, the AG, and the Judiciary for the next three-four years in accomplishing our individual as well as collective goals and objectives to better serve the Public.
- D. Executive Director –CWA Pay Grade Assignment:** The Board Chair stated that the Executive Director position is an unclassified position. Personnel Specialist Bernadette Lizama reported that three proposed executive pay plans were presented for the Boards' consideration in deciding which pay plan to adopt for the Executive Director of PDSC. The Chair stated that the Board will take these proposed pay plans (attached) into consideration for the next meeting. The Executive Director's position is unique because of the caseload that he carries. A managing attorney pay plan may be another option to consider for the PDSC executive director. This agenda item is continued at the Board of Trustees meeting in August.
- E. PDSC Executive Director Performance Evaluation:** Trustee, Attorney Donna M. Cruz, and Trustee, Attorney Jehan'ad G. Martinez will continue this effort. Other factors regarding the evaluation process were emailed by the Board Chair to the other Trustees. This agenda item is continued at the Board of Trustees meeting in August.
- F. Amendment/Adoption of PDSC Personnel Rules and Regulations:** Discussion centered around the adoption of the PDSC Personnel Rules and Regulations by the Board of Trustees of the PDSC. The present rules and regulations were originally adopted by Judicial Council on June 11, 1985, prior to the passage of the Public Defender Service Corporation Act in 1975. A question brought up was whether the PDSC Board of Trustees can sit as an appeals board to hear grievances/appeals from employees of the Public Defender Service Corporation, or to the Civil Service Commission. A motion offered by the Vice-Chair, PJ Lamorena to adopt the PDSC Personnel Rules and Regulations, on an interim basis, was not seconded; thus the motion was not voted on. Another option discussed was the adoption of the PDSC Personnel Rules and Regulations through the Miscellaneous Provisions of the Fiscal Year 2016 Budget by the Guam Legislature. The Executive Director was requested to draft an internal opinion as an overview regarding this question.

VII. NEW BUSINESS

- A. Resolution No. PDSC 20-15:** relative to the use of APD Lapsed Funds in the amount of **\$3,950.10** to reimburse the Public Defender Service Corporation for the Alternate Public Defender's proportional share of the Strategic Planning fees of Praxis Consulting Co. Moved by Vice-Chair, PJ Lamorena; Seconded by Trustee, Attorney Cruz; **Motion was unanimously approved.**
- B. Resolution No. PDSC 21-15:** relative to the use of Public Defender Service Corporation Lapsed Funds in the amount of **\$26,765.12** to purchase Rotary Filing Cabinets. Moved by Vice-Chair, PJ Lamorena; Seconded by Trustee, Attorney Cruz; **Motion was unanimously approved.**
- C. Funding of Civil Public Defender:** Executive Director, Eric Miller, initiated discussion regarding the formation or re-establishment of a civil division of the Public Defender Service Corporation. This effort would be initiated with the submission of the Public Defender Service Corporation's Fiscal Year 2017 Budget Request to the Guam Legislature. Another model of the Civil Division of the Public Defender Service Corporation could include an Appellate Division.

The Board of Trustees agreed with these suggestions since a Civil Division of the Public Defender Service Corporation was part of the mandate at the creation of the Agency, but that subsequent funding was eliminated for this Division.

- VIII. PUBLIC DISCUSSION:** Executive Director, Eric Miller, initiated a discussion regarding the celebration of the Fortieth (40th) anniversary of PL13-051 known as the Public Defender Service Corporation Act of 1975. Discussion centered regarding guests, prospective dates and projected cost. A committee in house is formed to work out plans and a request will be submitted to the Board of Trustees at the August 18, 2015 meeting to fund the celebration expenses.
- IX. ADJOURNMENT AND NEXT MEETING DATE:** The next meeting will take place on Tuesday, August, 18, 2015 at 12:30 p.m.

There being no further business up for discussion, this meeting was adjourned at 1:25 p.m.

Respectfully submitted,

WILFRED G. AFLAGUE
Secretary

Agenda Item #VII-A

**Relative to the
Use of Lapsed Funds
For the Expenses of the
Celebration of the
40th Anniversary of the
Public Defender Service
Corporation**

(Resolution No. 22-15)

**BEFORE THE
BOARD OF TRUSTEES OF THE
PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO THE USE OF LAPSED FUNDS
FOR THE EXPENSES OF THE CELEBRATION
OF THE 40TH ANNIVERSARY OF THE
PUBLIC DEFENDER SERVICE CORPORATION**

RESOLUTION NO. PDSC 22-15

- WHEREAS,** §11113.1 of 12 GCA authorizes the Public Defender Service Corporation (PDSC) to retain unexpended appropriations beginning with Fiscal Year 2000, and to carry these funds over into succeeding fiscal years; and
- WHEREAS,** the PDSC Board of Trustees adopted Resolution No. 99-07 requiring Board approval for the budgeting of and/or spending authorization(s) for these lapsed funds; and
- WHEREAS,** the PDSC Board of Trustees has designated Thursday, September 10, 2015 as the date to celebrate the passage of Public Law 13-51, known as the Public Defender Service Corporation Act of 1975, which provides effective legal aid and assistance programs to those persons who are not able to afford legal counsel; and
- WHEREAS,** the total cost for the celebration expenses is listed on the attached worksheet; now, therefore be it
- RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of August 18, 2015 hereby approves the Corporation's request for the expenditure not to exceed **\$3,000.00** of lapsed funds for the expenses of the 40th Anniversary of the Public Defender Service Corporation Act of 1975.

DULY AND REGULARLY ADOPTED this 18th day of August, 2015.

Chief Justice ROBERT J. TORRES, JR.
Chairman

ATTEST:

BERANDETTE L.P. LIZAMA
Secretary (Acting)

PUBLIC DEFENDER SERVICE CORPORATION

40TH ANNIVERSARY CELEBRATION

PROPOSED BUDGET EXPENSE

ITEM	COST
Food Caterer for 200 people	\$2,000.00
Liability Insurance (\$300,000 Coverage)	434.00
Decorations	200.00
Award Presentation for Attorney Harold Parker	100.00
Honorarium for Event/Table Blessing	100.00
Miscellaneous	166.00
TOTAL	\$3,000.00

Agenda Item #VII-C

**Private Bar Panel Training
By
Professor Laurie Shanks**



Pacific Judicial Council

Suite 300 Guam Judicial Center • 120 West O'Brien Drive • Hagatña, Guam 96910-5174
Tel: (671) 475-3413 • Fax: (671) 475-3164
jcepeda@guamsupremecourt.com

INVOICE

Date	Invoice No.
8-12-15	PJC15-009

BILL TO:

Mr. Eric D. Miller
Executive Director
Public Defender Services Corporation
Government of Guam
MVP Sinajana Commercial Bldg., Unit B
779 Route 4
Sinajana, Guam 96910

DESCRIPTION OF SERVICE	AMOUNT
Public Defender Services Corporation (PDSC) Staff and Private Attorneys on the Private Bar Panel Training, Friday, September 25, 2015	
Airfare Cost for Professor Laurie Shanks (PDSC portion)	\$1,000.00
TOTAL AMOUNT DUE:	\$1,000.00

Please make check(s) payable to Pacific Judicial Council.

I CERTIFY THAT ALL IS TRUE AND CORRECT AND THAT PAYMENT HAS NOT BEEN RECEIVED.


JOSEPHINE "POPING" CEPEDA
PJC Recording Secretary

8/12/15
DATE



Josephine Cepeda

From: Eric Miller
Sent: Monday, August 03, 2015 11:51 AM
To: Honorable F. Philip Carbullido
Cc: Frances Tydingco-Gatewood; Poping Cepeda
Subject: RE: Laurie Shanks

Thats agreeable.

Eric.

From: Honorable F. Philip Carbullido [mailto:fpcarbullido@guamsupremecourt.com]
Sent: Monday, August 03, 2015 8:37 AM
To: Eric Miller
Cc: Frances Tydingco-Gatewood ; Poping Cepeda
Subject: RE: Laurie Shanks

Dear Eric:

PJC is paying for a business class ticket for Laurie Shanks to present at the PJC Biennial Conference in Pohnpei. If Laurie Shanks is going to do training for PDSC in Guam, PJC requires a \$1,000 payment from PDSC to PJC towards the cost of Laurie Shanks' business class ticket. In addition, PDSC will be responsible for Ms. Shanks' hotel and meals for the additional days in Guam.

Poping has to purchase Ms. Shanks' airline ticket no later than tomorrow. Therefore, I need to know by 5 P.M. today if the terms are acceptable to PDSC.

Sincerely,

Justice Carbullido

JUSTICE F PHILIP CARBULLIDO

Supreme Court of Guam

T. 671.475-3413

F. 671.475-3164

E. fpcarbullido@guamsupremecourt.com

Suite 300, Guam Judicial Center

120 West O'Brien Drive

Hagatna, Guam 96910-5174

From: Eric Miller [mailto:emiller@guampdsc.net]
Sent: Friday, July 31, 2015 2:58 PM
To: fpcarbullido@guamsupremecourt.com
Subject: FW: Laurie Shanks

Dear Justice Carbullido,

AS indicated below, Laurie Shanks, has agreed to do some training for the PDSC on her way back to the states. We respectfully ask that you allow your staff to schedule her return flight to allow this.

Thank you,

Eric.

From: Josephine Cepeda [<mailto:jcepeda@guamsupremecourt.com>]
Sent: Friday, July 31, 2015 2:56 PM
To: Eric Miller
Subject: RE: Laurie Shanks

Good Afternoon and Hafa Adai Mr. Miller:

Respectfully, please send your request to Justice Carbullido, Chairman of the PJC Education Committee at fpcarbullido@guamsupremecourt.com

Thank you for your kind understanding and have a wonderful and safe day.

Poping

From: Eric Miller [<mailto:emiller@quampdsc.net>]
Sent: Friday, July 31, 2015 11:10 AM
To: jcepeda@guamsupremecourt.com
Cc: lauries1224@gmail.com
Subject: Laurie Shanks

Dear Poping,

I just got off the phone with Laurie Shanks. She was gracious enough to agree to do a training event for the PDSC while she is on Guam. We do not know if you have already made her flight arrangements but we would like her to stay on Guam an extra day to do a training for our staff and possibly the private attorneys on the private Bar Panel. PDSC will cover the extra costs.

We are talking about her doing this on her way home, September 27th perhaps.

Please drop me an email or call me on my cell 486-9007

Eric

*****IMPORTANT NOTICE*****This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Laurie Shanks is a partner at the Albany law firm of Kindlon & Shanks and an Emerita Clinical Professor of Law at Albany Law School, where she taught Client Interviewing and Counseling, Fact Investigation, Negotiations and Trial Practice courses. Ms. Shanks was the Training Director of the Maricopa County (Phoenix, AZ) Public Defender's Office and a Charter Member of the Arizona Attorneys for Criminal Justice. She is a past member of the Board of the National Association of Criminal Defense Attorneys and a member of the New York Defenders Association. She served on the New York Task Force on the Future of Indigent Defense and the Task Force on Wrongful Convictions. Ms. Shanks is a faculty member of the National Criminal Defense College and is a frequent lecturer at conferences and seminars throughout the country on the topics of cross-examination in cases of child sexual abuse, opening statements and closing arguments, *voir dire*, trial preparation and client-centered representation. Ms. Shanks has lectured on jury selection to judges in Tula, Russia and taught a comparative Trial Practice class in Paris, France. Ms. Shanks' publications include articles on Storytelling, Child Competency, Diversity, and Child Sexual Assault cases. They can be accessed and downloaded a no cost from the SSRN website.

LAURIE SHANKS
Kindlon Shanks & Associates
74 Chapel Street
Albany, NY 12007
LShanks@kindlon.com

EDUCATION: Arizona State University College of Law
(now Sandra Day O'Connor College of Law)
J.D. May, 1977

Arizona State University; 1970-1974
B.S. in Political Science

BAR ADMISSIONS: United States Supreme Court
2nd Circuit Court of Appeals
9th Circuit Court of Appeals
Northern District of New York
District of Arizona

Arizona, May 1977
Indiana, March 1989
New York, December 1989

EMPLOYMENT:

1/89 to present

Partner, Kindlon & Shanks, P.C., Albany, New York. I maintain a Limited private practice with my husband, Terence L. Kindlon. I have handled several complex civil and criminal cases, including the defense of midwives charged in connection with a home birth, a young woman charged with murder after giving birth in her home, a woman charged with smothering her terminally ill husband, a battered woman charged with murder, a woman whose neck was broken in a traffic collision, a civil suit involving the death of a young child in a wave pool, a young man accused of murdering his father, parents who were accused of severely abusing their infant, an incarcerated woman who was raped by a corrections office and a woman whose home was ransacked by the police based on a false tip from a confidential informant.

1/2006 to 7/2014

Clinical Professor of Law, Albany Law School: I taught Client Interviewing and Counseling, Pre-Trial, Trial Advocacy, Trial Skills and Negotiation courses. These skills courses were intensive simulation courses. The Trial Practice course culminated in a trial held in a ceremonial courtroom in downtown Albany presided over by a sitting federal or state court judge with community members acting as jurors who deliberated and came to a verdict in a criminal case. Both the judge and the jurors provided feedback to the students at the conclusion of the trial. The negotiation course required students to engage in simulation problems that were videotaped so that in addition to my critique the students could watch the video and provide self and peer reflections. In addition to the skills courses, in my last year at the law school I was responsible for expanding and directing the Semester in Practice and Summer in Practice program in which students were placed full-time in government, judicial and non-profit offices. I made site visits, trained the supervisors and supervised the students in the programs.

June 2013 Adjunct Professor – Golden Gate University College of Law

I taught a two week intensive Comparative Trial Practice Course at the University of Paris – Nanterre. I co-taught with a French Professor of Law. The course involved reading, a trip to observe a criminal court proceeding and a meeting with the presiding judge. The course concluded with the students engaging in simulations of both a criminal case in the United States and a civil matter in front of the EU Court.

9/00 to 1/06 Clinical Professor of Law, Albany Law School, Albany New York.

I taught Trial Advocacy and served as the Director of the Field Placement Project. Each semester, I placed 100 -150 students with a variety of public agencies, non-profit groups and in judicial chambers. I was responsible for selecting and overseeing the Adjunct Professors and on-site supervising attorneys and I met with the students individually and in classroom sessions throughout the course of the semester. (In 1998, I was evaluated by the faculty and awarded the first long-term contract at Albany Law School. In 2001, I was given the title of Assistant Clinical Professor of Law, and in 2002 I was promoted to Clinical Professor of Law by a vote of the faculty and the Board of Trustees of Albany Law School.)

9/98-9/00 Clinical Instructor, Albany Law School, Albany New York. Director of the Domestic Violence Project of the Clinical Legal Studies Department. The Project was a year-long educational experience with dual goals: to educate law students in the substantive, ethical, and procedural areas of law involved in Family Court cases and to provide zealous and effective legal services to the victims of domestic violence. I directly supervised

the students as they learned and practiced essential lawyering skills such as client counseling, witness interviewing, fact investigation, drafting, and negotiation. Students were given the opportunity to participate in hearings, trial and oral arguments. I also taught a classroom component that covered substantive and procedural law and policy considerations involved in domestic violence issues.

9/93-9/98

Clinical Instructor, Albany Law School, Albany New York.

I was the Director of the Placement and Externship Programs in the Clinical Legal Studies Department. I oversaw the Adjunct Professors and on-site supervising attorneys and met with the students individually and in classroom sessions throughout the course of the semester. In addition to my duties with the Clinical Program, I taught a Trial Tactics and Methods class. The class utilized a combination of lecture, demonstration, and student exercises to teach trial advocacy skills such as *voir dire*, direct and cross-examination, opening and closing arguments and evidentiary problems.

1/89-9/93

Clinical Instructor, Albany Law School, Albany, New York.

I developed and taught a Trial Tactics and Lawyering Skills seminar for all law students in the Disabilities Law Clinic, the AIDS Clinic and the Litigation Clinic at Albany Law School. These classes covered ethical issues confronting students, trial preparation and case file management, trial strategy and techniques, oral and written advocacy, client interaction, interviewing techniques, and negotiation skills. I also supervised students in the Disabilities Law Clinic, in which students represented clients with developmental disabilities, and were involved in administrative hearings, Committee on Special Education meetings, and trials in state and federal court.

1/88-1/89

Training Director, Maricopa County Public Defender's Office, Phoenix, Arizona.

I established a training program for new lawyers at the Public Defender's Office and a Continuing Legal Education program for all attorneys employed by the Public Defender. There were approximately 125 attorneys in the program. I directly supervised approximately 45 new lawyers and was responsible for teaching them all aspects of the criminal justice system, overseeing their caseloads, supervising their contact with clients, and teaching them trial tactics. With respect to the experienced lawyers in the office, I organized seminars on specific criminal law areas such as the defense of driving under the influence of alcohol and negligent homicide cases, and the problems encountered in interviewing child witnesses and victims.

- 3/83-1/88** **Law Firm of Friedl and Richter, Phoenix, Arizona.**
Private practice in a small law firm. The firm specializes in personal injury, domestic relations, and criminal defense work. I began as an associate and was made a partner after eighteen months. My practice was concentrated in domestic relations and criminal defense work, with limited personal injury and civil jury trials.
- 2/80-3/83** **Deputy Public Defender, Maricopa County, Arizona**
As an attorney in the felony trial section, my duties included the representation of indigents charged with felonies at the initial appearance, preliminary hearing, investigation, and trial stages of criminal proceedings. I also assisted in the supervision of the Defender Internship Program in conjunction with the Arizona State University College of Law.
- 4/79-2/80** **Deputy County Attorney, Maricopa County, Arizona**
As an attorney in the felony trial bureau, my duties included the preparation and presentation of the State's case in felony prosecutions. My area of specialty was the prosecution of individuals charged with sexual offenses against children.
- 10/77-4/79** **Assistant City Prosecutor, Phoenix, Arizona**
As an attorney in the trial section, my duties included the preparation and presentation of the State's case in criminal misdemeanor trials. The caseload included motion practice, minor traffic matters, bench trials, and jury trials. During the final six months that I was a City Prosecutor, I was the training supervisor and was responsible for training and supervision of new lawyers and student interns.

PUBLICATIONS

- "Whose Story is it, Anyway? – Guiding Students to Client-Centered Interviewing Through Storytelling." *Clinical Law Review*. Vol. 14, No. 2, Spring 2008.
- "Evaluating Children's Competency to Testify: Developing a Rational Method to Assess a Young Child's Capacity to Offer Reliable Testimony in Cases Alleging Child Sex Abuse." *Cleveland State Law Review*. Vol. 58, No. 3, 2011.
- "Child Sexual Abuse: How to Move to a Balanced and Rational Approach to the Cases Everyone Abhors." *American Journal of Trial Advocacy*. Vol. 34, No. 3. Spring 2011.
- "The Mirror Exercise – A Quick and Easy Method to Begin Discussing Race, Gender, Ethnicity, Age and Other Differences with Your Students." *The Law Teacher*. Spring 2012.

TRIAL PRACTICE INSTITUTES

NCDC: I have been a faculty member at the National College of Criminal Defense in Macon, Georgia (Mercer Law School) since 1988. The College is a two-week intensive trial advocacy program for criminal defense attorneys. Faculty members and participants are drawn from throughout the United States, and the program is designed for both new and experienced criminal defense attorneys in public and private practice. As a faculty member, I critique participants in small group sessions and give lectures and demonstrations on specific trial components.

NYSDA: I have also taught each summer since 1989 at the New York State Defenders Association Basic Trial Practice Institute held at R.P.I. in Troy, New York. The Institute is an eight day course patterned after the National College. The Institute is devoted exclusively to training Public Defenders and court appointed attorneys, and the vast majority of the participants are quite recently admitted lawyers with limited trial experience. Again, I am responsible for lecturing, giving demonstrations, and critiquing.

BRONX DEFENDERS: The Defenders' Academy is a six-day intensive trial skills program for criminal, civil and family court attorneys. In addition to the skills necessary to perform in court, participants are taught to view cases and clients in a holistic fashion so they may appropriately address the collateral consequences of the criminal justice system and understand the underlying issues that cause clients to enter the system. I taught at this program in May 2014.

ST. JOHN'S UNIVERSITY SCHOOL OF LAW: In May, 2010, I was a faculty member at the Intensive Trial Academy. I taught small groups of students in trial advocacy skills and gave a lecture to the entire group on "Cross-Examination."

PACE: In February of 1993 I was asked to be a faculty member at the Battered Women's Justice Center at Pace University in White Plains, New York. The Justice Center held a week long Battered Women's Trial Advocacy Training. I worked with attorneys who had agreed to accept *pro bono* cases involving battered women. Topics covered were client counseling, finding and utilizing expert witnesses, educating judges and juries, and trial strategies.

WISCONSIN: In May, 2001 I was a faculty member at the Wisconsin Public Defenders Annual Trial Skills Academy. The Academy is an intensive trial program for public and private criminal defense attorneys patterned after the National Criminal Defense College. I presented a lecture on "Closing Arguments."

LECTURES & PRESENTATIONS

October 1992: New York State Bar Association. Basic Criminal Practice, Practical Skills Seminar. Overall chair for the Albany location. "Cross-examination." Albany, New York.

December 1992: Onondaga County Bar Association Assigned Counsel Program. "An Opening Statement: Demonstration and Analysis." Syracuse, New York.

September 1993: new Hampshire Public Defenders' Office. "Cross-examination in a Case of Child Sexual Molest." Waterville valley, New Hampshire.

October 1993: Kansas Association of Criminal Defense Attorneys. Statewide continuing legal education program. "Cross-examination of a Child Witness" and "Use of an Investigator in a Case of Child Molesting." Wichita, Kansas.

October 1993: New York State Bar Association. Trial of a Felony Case. "Developing a Theory of Defense." Albany, New York.

June 1994: Kentucky Department of Public Advocacy Annual training Conference. "Cross-examination in a Case of Child Sexual Molest." Northern Kentucky-Cincinnati, Ohio. September 1994: New Mexico Public Defender Department Annual Training Conference. "Cross-examination of Police Offices and C.P.S. Workers." Albuquerque, New Mexico.

February 1995: Maryland Public Defenders' Office. "Cross-examination in a Case of Child Abuse: taking on Cops, Kids, and DSS Workers." Prince Georges County, Maryland.

March 1995: Advanced Cross-examination Institute. During the three day program, sponsored by the National College of Criminal Defense, I taught small groups of lawyers cross-examination and impeachment skills and performed a demonstration of the cross-examination of a testifying codefendant. Atlanta, Georgia.

March 1995: American Trial Lawyers Association (ATLA) Boardwalk Seminar 1995. "Cross-examination of the Child Witness." Atlantic City, New Jersey.

June 1995: Maine Association of Criminal Defense Lawyers, Sex on Trial Seminar. "The Child Witness." South Portland, Maine.

June 1995: New York State Bar Association. Prosecution and Defense of the Sexual Abuse Case. "Cross-Examining the complainant - Special Considerations for the Child Complainant - When Do Children Misrepresent Allegations of Sex Abuse." Albany, New York.

September 1995: New York State Defenders' Association 28th Annual Meeting and Conference. "Cross-examination of the Child Witness." Albany, New York.

November 1995: New York State Bar Association. Basic Criminal Law Practice. "Cross-examination, Jury Charge and Closing Arguments." Albany, New York.

February 1996: The Gonzaga University School of Law Externship Program 1996 Trial Lecture Series. "Theories and Themes in Trial." Spokane, Washington.

April 1996: American Association of Trial Lawyers (ATLA - New Jersey) Boardwalk Seminar. "Theories and Themes." Atlantic City, New Jersey.

April 1996: Louisiana Association of Criminal Defense Lawyers. Sixth Annual Law and All That Jazz Seminar. "Cross-examination of a Child Witness." New Orleans, Louisiana.

March 1997: Texas Criminal Defense Lawyers Association. Defending Child Abuse Cases. "Cross-examination of a Child Witness." Dallas, Texas.

October 1997: New York State Bar Association. Successfully Trying a Criminal Case. "Developing the Theory of the Defense." Albany, New York.

April 1998: Panelist for Kate Stoneman Day celebration at Albany Law School. "Women in the Legal Profession." Albany, New York.

April 1998: School of Criminal Justice, University at Albany. The Death Penalty in New York: Law and Research in Action. "The Role of the Screening Panel in Defense Representation." Albany, New York.

May 1998: Vermont Association of Criminal Defense attorneys. Two day seminar on Defense of a Sexual Abuse Case. "Theories of Defense in Child Abuse Cases: Openings, Closing, and Cross-examination." Burlington, Vermont.

May, 1998: Informal presentation to the Women's Law Caucus at Albany Law School. "Gender Issues in the Legal Profession." Albany, New York.

May 1998: Albany Law School Continuing Legal Education. "Acting for Lawyers." Co-presenter with Jeremy Solomon, an actor and producer.

September 1998: Albany Law School. Guest lecturer for the Professional Responsibility Classes. "Ethical Considerations for Criminal Defense Attorneys." Albany, New York.

September 1998: Together with the Women's Bar Association, the Domestic Violence Project hosted a full-day seminar "Representing Domestic Violence Victims in Family Court." Albany, New York.

December 1998: National Organizations for the Reform of Marijuana Laws Annual Key West Legal Seminar. "Ending with a Bang - Effective Closing Arguments." Key West, Florida.

December 1998: Capital Leadership Legal Session. I lectured briefly, answered questions about the criminal justice system, and gave a demonstration on *voir dire*.

February 1999: Public Service Workshop Series. Half-day public service workshop for state employees on "Investigative Interviewing." Albany, New York.

April 1999: Together with the Women's Bar Association, the Domestic Violence Project hosted a half-day seminar on "Litigating Family Offense Matters in Family Court." Albany, New York.

April 1999: Albany Legal Assistants Association. Dinner speaker on "Role of a Criminal Defense Attorney." Albany, New York.

May 1999: Third Judicial District Gender Fairness Committee. At the request of the Chair, Honorable Victoria Graffeo, I gave a presentation on "Domestic Violence Issues in the Court System." Albany, New York.

October 1999: National College of Criminal Defense Advanced Cross-examination Program. Four-day intensive trial advocacy training for experienced criminal defense attorneys. Small group sessions, lectures, and demonstrations. Demonstration of the cross-examination of an alleged rape victim. Atlanta, Georgia.

October 1999: Moderator, Women's Law Caucus Panel on Domestic Violence and Criminal Justice Issues. Albany Law School. Albany, New York.

November 1999: Government Law Center Sixth Annual Senior Citizen's Law Day. "How to Choose An Elder Law Attorney." Albany, New York.

December 1999: Law Matters. Cable TV spot on domestic violence. College of St. Rose, Albany, New York.

February 2000: Guest Lecturer in Mediation Class: "Is Mediation Appropriate in Cases Involving Domestic Violence?" Albany Law School, Albany, New York.

April 2000: Capital District Women's Bar Association Luncheon speaker. "Can You Be A Good Mother While Trying a Murder Case?" Albany, New York.

April 2000: United States v. B.B. Wolf in the matter of Little Red Ridinghood. Mock trial presentation and fund raiser for the Literacy Volunteers of America. Albany, New York.

April 2000: Louisiana Association of Criminal Defense Attorneys Annual Law and All That Jazz Seminar. Presentation on "Closing Arguments." New Orleans, Louisiana

June 2000: National College of Criminal Defense. "Opening Statements." Macon, GA.

August 2000: Guest lecturer in Client Counseling Class. "Client-Centered representation." Albany, New York.

September 2000: Federal Defenders Office of the Northern District and the NYSACDL. The Carnivore's Guide to Litigation: An Advanced Federal Practice Seminar. "Tying it all Together - Theory and Theme in Criminal Defense." Albany, New York.

November 2000: 26th Annual Arson seminar. "You've Investigated the Fire - Now What?" New York State Fire Academy, Contour Falls, New York.

November 2000: Government Law Center 7th Annual Senior Citizen's Law Day. "Choosing an Elder Law Attorney." Albany Law School.

December 2000: National Organizations for the Reform of Marijuana Laws (NORML) Annual Key West Seminar. "Ethical Concerns for Criminal Defense Practitioners." Key West, Florida.

October 2001: Advanced Cross-examination. "Cross-examination of the Difficult Witness." Atlanta, GA.

November 2001: Albany Law School's Senior Law Day. "Choosing an Elder Law Attorney." Albany, New York.

January 2002: Guest lecturer at Rensselaer High School. "Role of an Attorney in Civil and Criminal Cases." Troy, New York

March 2002: Co-hosted a conference to explore the feasibility of establishing an innocence/wrongful conviction project consortium among upstate law schools. Faculty attended from Cornell, SUNY Buffalo, and Syracuse Law Schools, as well as representatives from schools of criminal justice, social work, psychology, and journalism.

May 2002: Consultant for Court TV on the death penalty arguments at the New York Court of Appeals. Provided commentary for courttv.com webcast and explanations to the live reporters concerning the legal arguments.

June 2002: Albany Law School representative to the Committee for Modern Courts and the New York Bar Association presentation: "Integrated Domestic Violence Courts: Steps in the Right Directions and the Need for Court Restructuring." Albany, New York.

June 2002: Public Service Workshop. "Investigative Interviewing." Albany, New York.

June 2002: Advanced Trial Skills Workshop presented by Defender Services Division of the Administrative Office of the U.S. Courts, Federal Public and Community Defenders. Three-day training for federal public defenders and Criminal Justice Act panel attorneys from around the country. Small group sessions on trial techniques and the use of technology in complex criminal trials. Team-taught with computer systems

administrators from the Federal Defender system. Also gave a presentation on "Persuasive Closing Arguments." Memphis, TN

October 2002: Advanced Cross-examination. "The Experienced Witness." Atlanta, GA.

November 2002: Albany Law School's Senior Law Day. "Choosing an Elder Law Attorney." Albany, New York.

November 2002: Guest lecture in Poverty Law class on "Poverty and the Criminal Justice System." Albany, New York

November 2002: OCA Legal Update Seminar for Court Attorneys. Lecture "Trial Skills: Cross-Examination of Expert Witnesses." Saratoga Springs, NY

February 2003: Public Service Workshop for government attorneys. "Witness Preparation for Attorneys." Albany, NY

February 2003: Testimony on behalf of the Capital District Chapter of New Yorkers Against the Death Penalty before the Albany Common Council in favor of a resolution calling for a moratorium on capital punishment in New York State. The resolution was passed.

September 2003: "Cross to Kill XVI - Superstar CLE." Lecture on "Cross-Examination in a Sex Case" at an all day seminar sponsored by the New York Association of Criminal Defense Attorneys. Ithaca, New York.

October 2003: "Theories and Themes of Cross-Examination," Mississippi Public Defender Office's Fall Seminar. Jackson, Mississippi.

October 2003: "Sex, Lies, & Video Tape." "Cross-Examination in a Sexual Abuse Case." Missouri Association of Criminal Defense Attorneys Fall Conference. Blue Springs, Missouri.

April 2004: "Representing the Defendant as Victim," Criminal Defense Tactics and Techniques Trainer sponsored by the New York State Defenders Association. Rochester, New York.

May 2004: I gave a lecture and served on an all-day panel for judges in the 3rd and 4th Department on the topic of "Child Witnesses in the Courtroom." The training was sponsored by the Family Violence Task Force and was held in Saratoga Springs, NY.

May 2004: Annual Meeting of the Mississippi Public Defender Office. "Cross-Examination of a Child Witness, the Social Worker and the Cop in Sex Cases." Choctaw, Mississippi.

June 2004: New Mexico Association of Criminal Defense Attorneys. "Preparation for Sex Abuse Cases: How to Cross a Kid." Albuquerque, New Mexico

October 2004: Advanced Cross-Examination Program of the National Criminal Defense College. "Cross-Examination of the I.D. Witness." Atlanta, Georgia.

November 2004: "How to Choose an Elder Law Attorney" Annual Senior Law Day at Albany Law School, Albany, New York.

April 2005: "Fantasy vs. Reality – Redefining Competency with Child Witnesses." 15th Annual Law & All That Jazz seminar sponsored by the Louisiana Association of Criminal Defense Lawyers. New Orleans, Louisiana.

May 2005: "Client-Centered Representation: Tools and Techniques." Nassau Academy of Law. Nassau County, New York.

June 2005: "Theories, Themes, & Brainstorming," Basic Trial Institute--New York State Defenders Association. Troy, New York.

June 2005: "Effective Voir Dire: An Introduction," Basic Trial Institute--New York State Defenders Association. Troy, New York.

July 2005: National Criminal Defense College. "Developing Persuasive Theories and Themes."
Macon, GA.

October 2005: Advanced Cross-Examination Program of the National Criminal Defense College. Demonstration on "Cross-Examination of the Sympathetic Witness." Atlanta, GA.

November 2005: "Theories and Themes in Criminal Defense," Advanced Trial Workshop sponsored by the Federal Defender of New York and Vermont. Albany, New York.

February 2006: Lecture on "Practical Considerations in Cases Involving Child Witnesses." Vermont Association of Criminal Defense Attorneys, Burlington, VT.

June 2006: New York State Defender's Association Trial Practice Institute. "Theories and Themes" and "Opening Statements." Troy, New York

December 2006: Testimony before the New York State Senate Judiciary Committee on "Diversity in the Judiciary - Perception & Perspective." Albany, New York

April 2007: Guest lecture to Professional Responsibility classes at Albany Law School: "Professional Ethics and Pre-Trial Publicity." Albany, New York.

May, 2007: Speaker at the annual Domestic Violence Task Force Judicial CLE. "Evidentiary Questions in Domestic Violence Cases." Saratoga Springs, NY.

June 2007: "The Most Useful CLE Ever" - New Mexico Criminal Defense Lawyers Association Annual Meeting. Albuquerque, New Mexico.

June 2007: New York Defender Institute. "Opening Statements." Troy, New York

July 2007: Presentation at City University Inns of Court, School of Law in London, England. I was selected to make a presentation based on my article, "Whose Story Is It? - Teaching Client-Centered Interviewing Through Storytelling" at the international Storytelling in Law Conference "Once Upon a Legal Time: Developing the Skills of Storytelling in Law" sponsored by the Legal Writing Institute. London, England

June 2008: "Cross-Examination and Impeachment." National Criminal Defense College. Macon, GA.

July 2008: "Use of Familial DNA Testing." Extended press conference for use in local and national media markets.

September 2008: Vox Pop – local public radio call in and informational show. "Military Tribunals and Civil Rights. Albany, New York.

June 2009: "Opening Statements – How to Start Strong." New York Defender's Association. Troy, New York.

October 2009: "Defending Sexual Offense Cases in the Post-Jacques Landscape – Investigation, Motions and Trial Preparation." Vermont Association of Criminal Defense Attorneys. White River Junction, VT.

May 2010: "Work and Life Balance: Is It Possible to Try High Profile Cases While Being a Mom?" Luncheon Speaker for Women's Bar Association. Albany, New York.

June 2010: "Voir Dire." New York State Defenders Trial Practice Institute. Troy, New York.

June 2010: "Effective Opening Statements." NYSDA Trial Practice Institute. Troy, New York.

November 2010: "Effective Voir Dire." Schenectady County Bar Association. Schenectady, New York.

January 2011: Lecture to visiting students and faculty from China on "The Criminal Justice System in the United States." Discussion of the rights of criminal defendants, an overview of the federal and state systems and the role of judges and juries in trials.

March 2011: Workshop for Department of Health employees on "How to Testify." Menands, New York.

March 2011: Workshop with engineers and policy consultants from the Adirondack Park Agency to prepare them to testify concerning the resort development proposal for Tupper Lake.

March 2011: "Cross-examination of Children" "How Does *Crawford* Change Our Practice?" Bronx Defenders. Bronx, New York.

September 2011: Along with a professor from Rutgers and one from Faulkner Law School, I organized a national conference on "Teaching Client Interviewing and Counseling." Albany Law School hosted the workshop, which was attended by faculty from over twenty law schools nationwide. I served as the moderator on a panel entitled, "Learning From Other Professions," which included a medical doctor, an investigative reporter and a mental health professional. Albany, New York.

December 2011: NORML Annual Key West Seminar. "Impactful Opening Statements." Key West, Florida.

February 2012: Collaborative class with Professor Sundquist. "Evidentiary Issues in the Christopher Porco Murder Case." Albany Law School.

April 2012: Why Me? Racial Profiling in the Wake of the Travon Martin Shooting. Panel Discussion following remarks by Ben Jealous, President of the NAACP. Albany Law School.

March 2013: The Role of a Criminal Defense Attorney. Schenectady Community College

April 2013: Use of Real Client Experience in Classroom Teaching. Wisconsin Law School Annual Family Law Conference. Madison, WI

SERVICE TO THE PROFESSION AND THE PUBLIC

Pro Bono Murder Trial: In the summer of 1992 I was approached by members of the New York State Commission for the Prevention of Domestic Violence and the New York State Defenders Association to undertake the representation of a young woman accused of felony murder. The woman was a victim of severe domestic violence, and had been in jail for approximately fifteen months awaiting trial. It was the strong belief of advocates at both agencies that the woman was innocent of any crime. It was further their belief that her court-appointed attorney was not prepared to adequately represent her. The trial judge refused to substitute me as her court-appointed attorney, and would consent to her request for my representation only if I agreed to try the case without

compensation and without any requests for extension to assist in preparation. I undertook the representation, and tried the case to jury verdict. My client was acquitted and reunited with her young son.

Lawyers' Assistance Task Force: As a member of the Lawyers' Assistance Task Force of the NACDL I was asked to represent an attorney in the Monroe County (Rochester) Public Defenders Office. The attorney was threatened with contempt by a county court judge over his refusal to divulge an attorney-client confidence. I reviewed the file, researched the confidentiality issue, and assisted in the preparation of an appeal to the Appellate Division. I flew to Rochester to represent the attorney at the contempt hearing. After several hours of meetings, we were able to convince the Judge to reverse his previous order. The attorney was not forced to testify against his client, and he was not held in contempt.

NACDL: I served on the Board of Directors of the National Association of Criminal Defense Attorneys (NACDL) from 1988 through 1995. During that time I was active in the Continuing Legal Education Committee, the Lawyers' Assistance Strike Force, and the Women and Minorities Committee, which I chaired for three years. In 1996, I was appointed by the President of the organization, Judy Clarke, to serve as Parliamentarian. As such, I became a member of the Executive Committee, as well as maintaining my position on the Board of Directors. I was responsible for assisting in the governance of the organization, including its decision to file a lawsuit which resulted in the release of the FBI Lab Report to the public. I also served as the Co-Chair of the Law School Committee on Death Penalty Clinics.

COMMISSION ON JUDICIAL CONDUCT: I was appointed to serve as a referee and hearing officer on the New York Commission on Judicial Conduct in 1993 and have actively continued to serve in that capacity. My responsibilities concern judges against whom allegations of judicial misconduct have been made. As a referee I am responsible for reviewing pleadings, scheduling and overseeing pre-trial meetings with the attorneys, and presiding over trials when necessary. I am further charged with the responsibility of making findings of fact and conclusions of law, and preparing a Referee's Report for use by the Commission.

DEATH PENALTY SCREENING PANEL: I was appointed to the initial Screening Panel for the Appellate Division, Third Department with respect to death penalty cases, and served as its Chair for three years. The Screening Panels set proposed rates of compensation for attorneys appointed to represent indigent defendants facing the death penalty. In addition, it was our responsibility to set standards and to screen and approve attorneys in the Department to be placed on a list for such appointments. We also served as advisors to the Capital Defenders' Office to help it ascertain which attorneys in our Department should receive training in death penalty work. Our work came to an end when the New York Court of Appeals ruled that the death penalty statute was unconstitutional.

CAPITAL DISTRICT WOMEN'S BAR ASSOCIATION: During each election year from 1994 to 2012 I served on the Capital District Women's Bar Association Committee on Judicial Candidate Screening and Rating. The Committee performed an extensive background check and conducted interviews of candidates for all contested judicial elections in the Third Department. We then rated each candidate and publicized the ratings so that voters could make informed voting decisions. I served as Co-Chair of the Committee for two years.

CONVOCATION ON THE FACE OF THE PROFESSION: The Hon. Judith Kaye, Chief Judge of the State of New York, The New York State Judicial Institute on Professionalism in the Law, and the New York State Bar Association sponsored the two day Convocation to facilitate communication among the academy, practitioners, and the Bar Associations. At the request of the Dean, I represented Albany Law School. I was a presenter on a panel composed of academics and practitioners asked to address the issue of "Socialization of Law Students Into the Profession."

ALBANY-TULA ALLIANCE: From 2002 to 2004, I served as a Board Member and Chair of the Law Committee of the Albany-Tula Alliance, an organization devoted to improving relations between the United States and Russia through joint activities of Albany and her sister city, Tula. In May of 2002, I traveled to Tula to teach on "Criminal Procedure and Jury Selection in the United States." I taught classes at Tula State University and the Tula Pedagogical University. In addition, I presented a seminar to the criminal court judges of the Tula Region, who began conducting jury trials for the first time in July, 2002.

NEW YORK STATE BAR ASSOCIATION: I was the 3rd Department representative to the Executive Committee of the Criminal Justice Section of the State Bar Association from 2002-2006. The Committee addressed issues such as standards for indigent defense, the Patriot Act, reinstatement of the death penalty, the taping of confessions, and the reform of the Rockefeller Drug Laws. I also served as a member of the Nominating Committee for Criminal Justice Section Awards.

In 2004, I was appointed to serve on the President's Special Committee to Ensure Quality of Mandated Representation, a Committee concerned with the provision of competent representation of indigent individuals in the criminal justice and family court systems. We were charged with developing a comprehensive set of standards for appointed counsel in New York State. During the course of 2004 and 2005, the Standards were developed by the Committee, sent to other interested Committees of the Bar for comment, and were adopted by the Board of Governors at their April meeting.

COMMISSION ON THE FUTURE OF INDIGENT DEFENSE SERVICES: I was appointed by Chief Judge Judith Kaye to serve on the Commission. This Commission was charged with the task of determining the state of services throughout New York State and with making recommendations for the future delivery of such services. I

participated in meetings of the Commission and in the public hearings in New York City, Rochester, Albany, and Ithaca.

STATE BAR TASK FORCE ON WRONGFUL CONVICTIONS: I served on the Task Force and was Chair of the Subcommittee on Mistaken Identification. We conducted an extensive review of cases throughout New York to isolate and examine the causes of wrongful conviction. We then make recommendations for procedural and legislative actions that should be taken to reduce miscarriages of justice in the future. We worked with the legislature to draft appropriate language to implement our recommendations.

BREAST CANCER SURVIVOR NETWORK: I counsel and offer support to women who have been recently diagnosed with breast cancer.

SCHUYLER CENTER FOR ANALYSIS AND ADVOCACY (SCAA): I am on the Board of Directors of the SCAA, a non-profit organization that conducts policy research, analysis and advocacy to promote economic security, health and justice. The primary focus is on child welfare, early care and learning and amelioration of poverty through a living wage and access to high quality physical, dental, and behavioral health services.

Agenda Item #VII-E

**Relative to the
Use of Lapsed Funds
For the Attendance of the
PDSC Defense Attorney at
The 2015 NCDC DWI Court
Planning Training on
December 7-10, 2015 at
Newport Beach, CA**

(Resolution No. 23-15)

**BEFORE THE
BOARD OF TRUSTEES OF THE
PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO THE USE OF LAPSED FUNDS FOR THE
ATTENDANCE OF THE PDSC DEFENSE ATTORNEY
AT THE 2015 NCDC DWI COURT PLANNING TRAINING
ON DECEMBER 7-10, 2015 AT NEWPORT BEACH, CALIFORNIA**

RESOLUTION NO. PDSC 23-15

- WHEREAS,** §11113.1 of 12 GCA authorizes the Public Defender Service Corporation (PDSC) to retain unexpended appropriations beginning with Fiscal Year 2000, and to carry these funds over into succeeding fiscal years; and
- WHEREAS,** the PDSC Board of Trustees adopted Resolution 99-07 requiring Board approval for the budgeting of and/or spending authorization(s) for these lapsed funds; and
- WHEREAS,** this team-oriented, comprehensive training is critical to the planning and development of a DWI Court operating under the 10 Guiding Principles for DWI Courts; and
- WHEREAS,** teams attending the training will receive the knowledge, skills, and tools to effectively implement a DWI Court in their jurisdiction; and
- WHEREAS,** the anticipated cost for attendance at this training is up to **\$5,000.00**; now, therefore be it
- RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its meeting of August 18, 2015 hereby approves the Public Defender Service Corporation's request to expend up to **\$5,000.00** of lapsed funds for the attendance of the PDSC Defense Attorney at the 2015 NCDC DWI Court Planning Training from December 7-10, 2015 in Newport Beach, California.

DULY AND REGULARLY ADOPTED this 18th day of August, 2015.

Chief Justice ROBERT J. TORRES, JR.

ATTEST:

BERNADETTE L.P. LIZAMA
Secretary (Acting)

Wilfred G. Aflague

From: Eric Miller
Sent: Tuesday, August 11, 2015 2:34 PM
To: Wilfred G. Aflague
Subject: FW: NOTICE OF GRANT AWARD: National Center for DWI Courts (NCDC) Training

From: Alberto C. Lamorena III [mailto:alamorenaiii@guamcourts.org]
Sent: Tuesday, August 11, 2015 1:58 PM
To: Eric Miller <emiller@guampdsc.net>; Hon. Robert J. Torres <rjtorres@guamsupremecourt.com>
Subject: Fwd: NOTICE OF GRANT AWARD: National Center for DWI Courts (NCDC) Training

Eric, The DWI Court was awarded a training grant to send a team to Newport Beach CA. I am requesting you to draft a resolution authorizing sending one of your attorneys assigned to DWI Court to be a member of the team. I have discussed this with the Chief Justice and he is agrees to send an attorney using lapse funds in the amount up to 5000 dollars. If you have any questions please contact me. Thank you. PJAL

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

From: Cerina Y. Mariano <cmariano@guamcourts.org>
Date: Fri, Jul 31, 2015 at 1:52 PM
Subject: NOTICE OF GRANT AWARD: National Center for DWI Courts (NCDC) Training
To: "Alberto C. Lamorena III" <alamorenaiii@guamcourts.org>, Joshua Tenorio <jtenorio@guamcourts.org>
Cc: "Raymond A.R. Dungca" <rdungca@guamcourts.org>, "Erica H. Unpingco" <eunpingco@guamcourts.org>, "Edilyn M. Terlaje" <eterlaje@guamcourts.org>

Hi PJ and Josh,

We have some good news! The JOG has been approved for partial funding to attend the 2015 NCDC DWI Court Planning Training. This will be held from December 7 - 10, 2015 in Newport Beach, California.

NCDC requires a 6 member team. As a reminder, these are the team members that PJ identified for our application:

1. Judge: PJ
2. Prosecutor: Atty. Rogelio Batarao Jr.
3. Defense Counsel: Atty. Peter Sablan
4. Treatment Provider: Don Sabang
5. DWI Coordinator: Evelyn Santos
6. Law Enforcement/Probation: Lt. Manny Chong or John Lizama

NCDC (via DPW Office of Highway Safety) will pay for airfare, lodging and per diem for **TWO** of the 6 team members; **however, ALL SIX must attend** in order for Guam to avail of this training. **The deadline to confirm Guam's attendance is September 15, 2015.**

The estimated travel costs for 4 additional people = \$16,180 (\$4,045 per person)

We have considered other federal grant funding and the only other possible funding available is \$5,500 reserved for PJ to attend the NADCP conference (if we receive the FY16 DWI grant, which is most likely per DPW).

Forwarded for your determination.

Thank you,
Cerina

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

From: **Joshua Tenorio** <jtenorio@guamcourts.org>
Date: Mon, Apr 20, 2015 at 7:12 PM
Subject: Fwd: DWI Court Training - Apply Today
To: "Cerina Y. Mariano" <cmariano@guamcourts.org>

Fyi

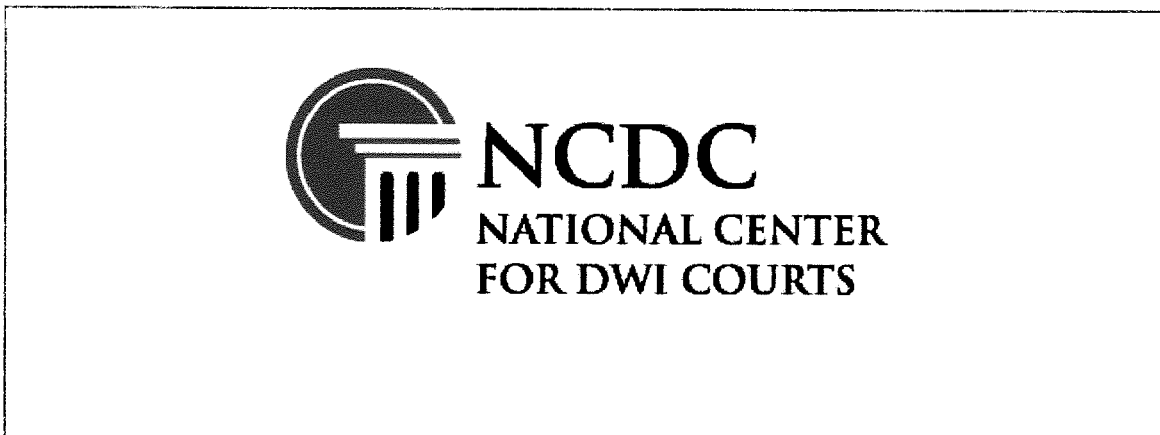
----- Forwarded message -----

From: "Alberto C. Lamorena III" <alamorenaiii@guamcourts.org>
Date: Apr 19, 2015 4:32 AM
Subject: Fwd: DWI Court Training - Apply Today
To: "Joshua Tenorio" <jtenorio@guamcourts.org>
Cc:

Josh, I am definitely interested in applying for this DWI training grant since it will help convert our DWI court into a treatment court. Please request Serena to look into this and email me back ASAP. Thanks!!! Having a great time. Was in Vienna and Munich and now in Brussels.

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

From: "NCDC" <info@nadcp.org>
Date: Apr 18, 2015 6:15 AM
Subject: DWI Court Training - Apply Today
To: <alamorenaiii@guamcourts.org>
Cc:





Applications are Being Accepted for the DWI Court Planning Initiative

Registration Deadline is May 1

Apply Today

The National Center for DWI Courts (NCDC) in conjunction with the National Highway Traffic Safety Administration (NHTSA) is pleased to announce applications are now being accepted for the 2015 DWI Court Planning Training Initiative. This is a national training initiative designed to assist communities in developing DWI Court programs.

This team-oriented, comprehensive training is critical to the planning and development of a DWI Court operating under the 10 Guiding Principles for DWI Courts. Teams attending the training will receive the knowledge, skills, and tools to effectively implement a DWI Court in their jurisdiction.

Through this solicitation, 20 jurisdictions will be selected to attend one-of-four, 3.5-day trainings at a NCDC Academy Court site. The dates and locations are:

- June 9-12 - Athens, Georgia
- September 21-24 - Minneapolis, Minnesota
- October 26-29 - El Paso, Texas
- December 07-10 - Newport Beach, California

Applications are due to the State Highway Safety Office by close of business, May 1, 2015. Jurisdictions will be notified of acceptance to one of the dates/locations by mid-May.

For more details on the training and to apply, [click here](#).

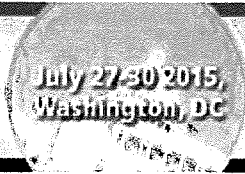
If you have any questions about the DWI Court Regional training, please contact Cliff Jacobs, NCDC Project Manager, at cjacobs@nadcp.org or [571-384-1867](tel:571-384-1867).





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Training Conference**

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