BEFORE THE BOARD OF TRUSTEES
OF THE PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO THE RECRUITMENT ABOVE-STEP FOR
ATTORNEY CLYDE LEMONS, JR.

RESOLUTION NO. PDSC 02-18

WHEREAS, Title 4 Guam Code Annotated (GCA), Chapter 6 §6205 provides for the Recruitment Above-Step for government of Guam departments/agencies; and

WHEREAS, the Public Defender Service Corporation (PDSC) has experienced challenges in recruiting and retaining seasoned attorneys with the experience and skill-set to immediately enter the courtroom for either trial and/or appeals; and

WHEREAS, over the past several years, the PDSC has lost five (5) Attorney Level 4 at Step 7 or higher and two (2) Attorney Level 3 at Step 2 or higher to either government transfers, retirement, resignations and promotions; and

WHEREAS, the PDSC continues to be in direr need to hire experienced attorneys to fill the void that exists as a result of the loss in seasoned as well as experienced Assistant Public Defenders to effectively handle the Corporation's caseload; and

WHEREAS, PDSC has received applications for attorneys who qualify for the Attorney Level 4, but without trial and/or appellate experience, PDSC needs experienced attorneys to handle complex litigation including any crime that involves a sentence for life imprisonment without parole; and

WHEREAS, based on the legal requirements and ramifications PDSC clients face, there is an immediate need to fulfill PDSC's mission of providing effective, efficient and adequate representation of indigent clients of Corporation; and

WHEREAS, PDSC needs to have the ability to attract talented and experience attorneys above the Attorney Levels 3 and 4, Step 1; and

WHEREAS, at the October 24, 2017 Board of Trustees meeting, a petition was submitted to have Clyde Lemons, Jr., Esq., to fill the vacancy of Attorney Level 4 under Job Announcement JA-18-17; and

WHEREAS, Attorney Clyde Lemons, Jr. was interviewed on October 13, 2017 and the panel selected Attorney Lemons and believe that his experience warrants an Above Step Recruitment at Attorney 4, Step 7 at $99,627 per annum based on his exceptional qualifications as an attorney, experienced in all areas of practice that include trial experience in both federal and local jurisdiction as a government attorney as well as a private practice attorney where he supervised and mentored attorneys under his supervision; and

WHEREAS, Attorney Lemons has over 37 years of attorney experience in both criminal prosecution and defense, civil litigation, domestic, juvenile and appeals; and

WHEREAS, his experience spans from the U.S. Attorney's Office (over 6 years); Office of the Attorney General Guam (4 years); the Alternate Public Defender, Guam (a little over a year); Office of the Attorney General for the Commonwealth of the Northern Marianas Island (CNMI) (over 5 years); Office of the Illinois Attorney General (over 7 years); Office of the Cooks County Public Defender (9 years) to private practice; and

WHEREAS, Attorney Lemons, under the U.S. Attorney General, as the Assistant Attorney General, prosecuted cases such as bank fraud, Interstate travel to sexually assault minors and drug cases. He served as the Coordinator of the Organized Crime and Drug Enforcement for Guam and the Northern Marianas Islands; and

WHEREAS, Attorney Lemons, while with the Office of the Attorney General Guam as an Assistant Attorney General, he prosecuted homicide, robbery and aggravated assault cases. He was assigned to prosecute criminal sexual conduct cases, government corruption cases and cold case homicides; and

WHEREAS, the Public Defender Service Corporation would like to employ Attorney Lemons and have him mentor junior attorneys in criminal defense and appellate briefs; and

WHEREAS, the PDSC submitted the Request for Recruitment Above-Step to hire Attorney Lemons at Attorney Level 4 Step 7 at an annual salary of $99,627; and

WHEREAS, the PDSC petitioned the Board of Trustees for final approval or rejection authority of all Recruitment Above -Step requests as outlined in Title 4 GCA, Chapter 6 §6205, Recruitment Above-Step; now therefore be it

RESOLVED, the Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of October 24, 2017, hereby approves the Corporation's Request for Recruitment Above-Step, pursuant to Title 4 GCA, Chapter 6 §6205, for Clyde Lemons, Jr., Esq., to Attorney Level 4, Step 7 at $99,627per annum after the completion of the required posting and press release to the media.

DULY AND REGULARLY ADOPTED this 24th day of October, 2017.

Katherine A. Maraman

Chief Justice KATHERINE A. MARAMAN
Chairwoman

ATTEST:

CATHY GOGUE
Secretary

EXECUTIVE DIRECTOR
Stephen P. Hattori

DEPUTY DIRECTOR
Richard S. Dirkx
ADMINISTRATIVE DIRECTOR
Cathyann C. Gogue

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pupbleku)

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October 18, 2017

MEMORANDUM

TO: Board of Trustees

FROM: Executive Director

SUBJECT: **Request for Recruitment Above-Step**
RE: Clyde Lemons, Jr., Esq.

Håfa Ådai. This memorandum is to respectfully request for the Recruitment Above-Step for the abovementioned attorney.

Pursuant to Title 4 Guam Code Annotated, Chapter 6 §6205 Recruitment Above-Step, initial employment in any department or agency shall be at Step 1 of the assigned Pay Grade. However, the Executive Director of the Public Defender Service Corporation (PDSC) may petition the Corporation's governing board to recruit at a higher step due to recruitment difficulty or exceptional qualifications. On April 26, 2016, the Board of Trustees had approved the Corporation's request for continuous Recruitment Above-Step for Attorney Levels 3 and 4, Steps 1 through 5.

The Corporation held interviews on October 13, 2017 and selected Attorney Lemons and would like to offer Attorney Lemons, Attorney Level 4, Step 7 at $99,627 per annum based on his exceptional qualifications of attorney experience in all areas of practice, trial experience in both federal and local jurisdiction as a government attorney as well as a private practice attorney, supervising and mentoring of attorneys under his supervision.

Attorney Lemons has over 37 years of attorney experience in both criminal prosecution and defense, civil litigation, domestic, juvenile and appeals. His experience spans from the U.S. Attorney's Office (over 6 years); Office of the Attorney General Guam (4 years); the Alternate Public Defender Guam (a little over a year); Office of the Attorney General for the Commonwealth of the Northern Marianas Island (CNMI) (over 5 years); Office of the Illinois Attorney General (over 7 years); Office of the Cooks County Public Defender (9 years) to private practice.

Under the U.S. Attorney General, as the Assistant Attorney General, he prosecuted cases such as bank fraud, Interstate travel to sexually assault minors and drug cases. He was the Coordinator of the Organized Crime and Drug Enforcement for Guam and the Northern Marianas Islands.

The Office of the Attorney General Guam, Assistant Attorney General, he prosecuted homicide, robbery and aggravated assault cases. In addition, he was assigned to prosecute criminal sexual conduct cases, government corruption cases and cold case homicides.

At the Alternate Public Defender Guam, Assistant Public Defender, Attorney Lemons defended clients in juvenile proceedings, misdemeanor and felony cases. He tried six criminal jury trials and one juvenile bench trial.

For the Office of the Attorney General CNMI, as the Deputy Attorney General, he assisted the Attorney General with the day to day operations, to include case assignments, case management for the civil and criminal divisions. He was the chairman for the Family Violence Task Force and dealt with homeland security issues. Before the Deputy Attorney General, he was the Chief Prosecutor for the criminal division. His responsibilities was charging decisions, case assignments, courtroom assignments and supervising the criminal division as well as the domestic violence intervention center. He was chairman of the Family Violence Task Force and the CNMI Drug Task Force; member of the Anti-Terrorism Task Force, the Juvenile Justice Task Force and the Multi-Disciplinary Response Team. As the Assistant Attorney General, he was assigned as Legal Counsel for the Department of Public Safety, which covered fire, police and paramedics. There he was responsible for prosecuting major felony cases to include homicide cases, sexual assault cases, armed robbery, aggravated assault and battery cases. Attorney Lemons was also the Acting Attorney General, responsible for the overall functions of the Attorney General's Office from administrative personnel, investigative unit, CNMI immigration, civil attorneys and criminal prosecutors.

The Office of the Illinois Attorney General, he held the position of Deputy Bureau Chief, Sexually Violent Persons Bureau. He was responsible for prosecuting criminal sexual assault cases and supervising all attorneys within the Bureau. Attorney Lemons was also the Deputy Bureau Chief, Statewide Grand Jury Bureau, prosecuting multicount cases involving gangs, drugs and/or guns. He assisted in establishing policies and procedures for the use of the Statewide grand jury and prosecution of cases indicted by the Statewide Grand Jury. He was certified as the Electronic Criminal Surveillance Officer by the Illinois State police, where he was authorized to monitor and record conversations, pursuant to court order for investigative and evidentiary purposes.

Attorney Lemons was employed at the Office of Cook County Public Defender as the Supervisor for the Chicago Traffic Court, supervising ten attorneys who defended traffic related offenses such as DUI, driving with a suspended driver's license, and hit and run cases. He was responsible for case assignments, courtroom assignments and mentoring lower level attorneys. He also held the position of Felony Trial Assistant defending all classes of felony cases ranging from theft to capital murder. He was assigned to the Homicide Task Force. Attorney Lemons had also been assigned to the Appeals Division

where he researched and wrote 32 appellate brief in criminal cases and participated in several habeas corpus petitions. He argued 10 cases before the Illinois Courts of Appeals.

For private practice, he was an Associate Attorney at Wilson Howard P.C., practicing general law which included personal injury, divorce, probate, civil rights and criminal defense.
This request, if approved will be posted on the PDSC's website for a period of 10 working days and shall be made prior to hiring the above selectee. Your favorable consideration and approval of this matter is greatly appreciated.

Should you have any questions or require additional information, please contact the Corporation's Human Resources Office, Bernadette Lizama at 300-7823 or email blizama@guampdsc.net. *Dångkolo na Agradesimento*.

STEPHEN P. HATTORI