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STANDARD OPERATING PROCEDURE

DIVISION/SECTION:		
RECORDS & LEGAL CLERICAL DIVISION		
NUMBER:	DATE OF ISSUE:	EFFECTIVE DATE:
001-FY2018 (Up-dated: 29APR19)	03JAN2018	03JAN2018
SUBJECT:		
RETRIEVAL REQUEST FOR DOCUMENTS IN RECORDS, MADE FOR CLOSED CASES BY PREVIOUS CLIENTS OF THE PUBLIC DEFENDER SERVICE CORPORATION		

- Policy:** Clients and former clients of the Public Defender Service Corporation (“PDSC”) may submit a retrieval request form to obtain documents for their cases that are within the PDSC Retention Policy period. The request will be processed within 5 working days from the date of request.
- Purpose:** This Standard Operating Procedure is implemented to establish a records retrieval process for current and/or former clients for the retrieval of case documents that are in the possession of the PDSC Records Division.
- Scope:** This procedure is applicable to existing and former clients whose case files have been closed and are now in the possession of the PDSC Records Division
- Responsibilities:**
- It is the responsibility of the Records Division to act as the custodian for all PDSC case files that have been closed and submitted to Records Division for safekeeping. Further, the PDSC Records Department will receive and process the Retrieval Request Form that is to be completed and submitted to the Legal Clerical Division by existing and/or former clients of the PDSC.
- It is the responsibility of the Legal Clerical Division to assist existing and/or former clients of the PDSC to determine the needs of these individuals requesting for the retrieval of documents for their cases that are now closed and whose file is now in the possession of the Records Division.
- Procedure:**
1. Person arrives at the PDSC and checks-in at the front desk.
 2. Front desk staff assists person and, upon verification of identification, determines that:
 - a. The person is an existing or former client of PDSC
 - b. The person’s case file is closed and received by the Records Division
 - c. The person’s case file is within PDSC’s Retention Policy
 3. Front desk staff gives client a Record Retrieval Request form (Attachment A).
 4. Client completes Record Retrieval Request form and submits it to the front desk staff.
 5. Legal Clerical Division will ensure that form is completed properly and that the description of the document being requested for is clear and specific.
 6. Legal Clerical Division transmits completed Record Retrieval Request form to the Records Division.

7. Records Division receives the form and verifies that:
 - a. Record Retrieval Request form is properly completed
 - b. File is closed and in the custody of the Records Division
 - c. If form is not completed properly or is not clear and specific with the request then the Records Division will not receive and process the request.
8. Records Division staff will enter into ABACUS that they received the Record Retrieval Request form for requested document
9. Once the Records Division verified that the retrieval form is properly completed, the division will:
 - a. Retrieve requested document
 - i. If there are multiple court-certified copies in the file, one will be removed from the file and used to fulfill the request
 - ii. If there is only one court-certified copy in the file, a photocopy of the court-certified document will be placed in the file and the original court-certified copy will be used to fulfill the request.
 - b. Place requested document in a sealed envelope with client's name on it and date of request
 - i. If the document placed in the envelope is the last court-certified copy in PDSC's possession, then the Records Division will attach a notice to the requestor that this is the last remaining court-certified copy in PDSC's possession and that any future copies required by the client will have to be obtained through the court.
 - c. Enter in ABACUS that the request has been completed and indicate what the contents are in the sealed envelope.
 - d. Transmit sealed envelope to the Legal Clerical Division for pick-up by exiting/former client. The Record Retrieval Request completed by Records will be placed outside the sealed envelope and taped to the envelope.
 - e. The requesting existing/former client will provide the bottom receipt to the Legal Clerk as their receipt, and will forward the receipt to Records once job is completed.
10. Should another individual come to request for a document for an existing/former client, this individual needs authorization as well as a copy of one (1) form of I.D. from the existing/former client as well as a copy of the requestor's I.D.

Effectiveness Criteria:

- This new procedure will establish a uniformed method for existing and former PDSC clients to obtain documents from their case file(s).
- This procedure is will involve the Legal Clerks, Secretarial and Records Divisions.

Definitions:

1. **Client** is defined as a person represented by the PDSC in a legal matter.
2. **Former Client** is defined as a person who was previously represented by the PDSC in a legal matter and that matter is now closed and there is no further legal representation provided by the PDSC.
3. **Court-Certified** means that a document has been certified and filed by the Superior or Supreme Courts of Guam by the respective courts placing a blue certified stamp on the document.
4. **Closed** refers to a PDSC case file that has been closed by the PDSC attorney of record and that the case file has been received by the Records Division.

References:

Record Retrieval Request Form
PDSC Record Retention Policy

