

**BEFORE THE BOARD OF TRUSTEES
OF THE PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO
THE CREATION OF CRITICAL POSITIONS
WITHIN THE
PUBLIC DEFENDER SERVICE CORPORATION**

RESOLUTION NO. PDSC 00-01

- WHEREAS, Effective October 1, 1999, Section 12, Chapter 5 of Public Law 25-72 mandates a hiring freeze prohibiting the Public Defender Service Corporation from expending Fiscal Year 2000 funds for the purpose of filling any vacancies that occur after this date; and
- WHEREAS, As of September 30, 1999, several positions within the Corporation were vacant, to wit: (1) Attorney II; (1) Attorney I; (2) Legal Secretary I(s); and
- WHEREAS, Recognizing the precarious financial conditions of the government of Guam, "fast-track" approval for the filling of these vacancies was not sought from the legislature. Instead, PDSC employees carried the extra workload and continue to exercise frugal spending habits and extreme fiscal responsibility as they proceeded to serve the indigent residents of Guam; and
- WHEREAS, A moratorium on civil and certain domestic cases was imposed on November 9, 1999 because the legal staff of the Public Defender Service Corporation is currently overburdened with an ever-increasing client caseload per attorney which goes beyond that recommended by the Canon of Ethics; and
- WHEREAS, Public Law 25-72 and Public Law 25-74, as a cost-saving measure, allowed eligible employees the opportunity for Early Retirement and Voluntary Separation which resulted in the voluntary separation of (1) Attorney IV and the early retirement of the Administrative Support Services Division Supervisor; and
- WHEREAS, The shortage of attorneys was further compounded by the voluntary separation of Assistant Public Defender D. Graham Botha; and
- WHEREAS, Public Law 25-98 deemed "essential" all attorney positions at the Department of Law and therefore authorized the agency to fill attorney positions vacated between October 1, 1999 and January 7, 2000; and
- WHEREAS, This same privilege was not extended to the Public Defender Service

Corporation, therefore the present shortage of attorneys will further handicap the Corporation's ability to provide legal representation to eligible clients; and

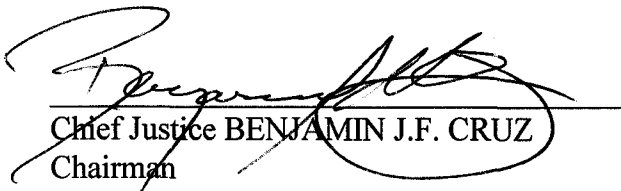
WHEREAS, The Corporation continues to prove its fiscal responsibility and integrity in the fact that, although faced with budget cuts, it has managed to decrease expenditures for the first quarter of Fiscal Year 2000 as compared to the same period of Fiscal Year 1999; and

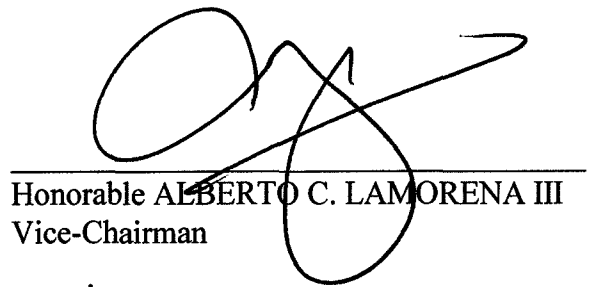
WHEREAS, The Public Defender Service Corporation, recognizing the absolute necessity of these positions in fulfilling the corporation's mission, respectfully requests that the positions of (1) Attorney IV, (1) Attorney II, (1) Attorney I, and (2) Legal Secretary I(s) be created and funded for the remainder of Fiscal Year 2000; now therefore be it

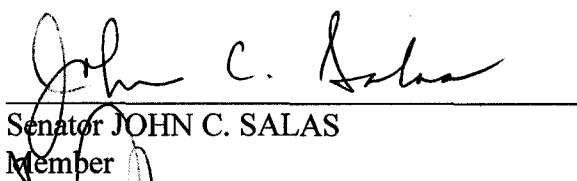
RESOLVED, The Board of Trustees of the Public Defender Service Corporation, in its meeting of January 27, 2000, directed the Executive Director to initiate legislative approval for the creation of and the appropriate funding for these positions; be it further

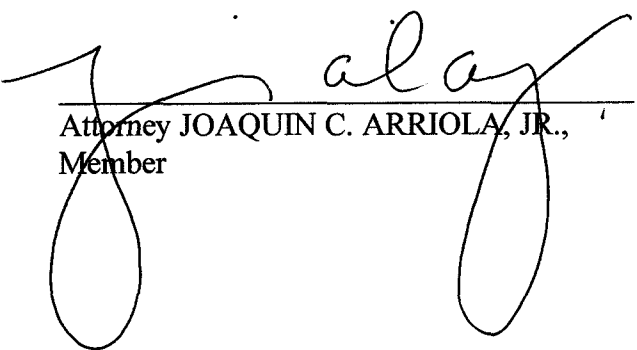
RESOLVED, Efforts to this end shall begin immediately and shall be in compliance with all other applicable laws, rules and regulations for employment with the PDSC.


DULY AND REGULARLY ADOPTED this 27th day of January 2000.


Chief Justice BENJAMIN J.F. CRUZ
Chairman


Honorable ALBERTO C. LAMORENA III
Vice-Chairman


Senator JOHN C. SALAS
Member


Attorney JOAQUIN C. ARRIOLA, JR.,
Member


TINA ROSE MUNA-BARNES,
Member