

**BEFORE THE BOARD OF TRUSTEES
OF THE PUBLIC DEFENDER SERVICE CORPORATION
RELATIVE TO LIFTING A MORATORIUM INVOLVING
CIVIL AND DOMESTIC CASES**

RESOLUTION NO. 05-20

- WHEREAS,** on August 28, 2012, this body adopted Resolution No. 13-12 wherein the Executive Director of the Public Defender Service Corporation ("PDSC") was directed to limit the caseload of the PDSC with regard to certain civil and domestic cases;
- WHEREAS,** concerning civil and domestic matters, the PDSC was directed to limit its representation to cases involving violence, the threat of violence, uncontested guardianships, and the release of a body for purposes of burial;
- WHEREAS,** pursuant to Resolution No. 13-12, the decrease in the scope of representation in civil and domestic matters was necessary due to an increase in caseload and "serious budgetary constraints" that affected the PDSC at the time;
- WHEREAS,** since the adoption of Resolution No. 13-12, the PDSC has been able to resolve the budgetary and staffing issues that previously compelled the reduction in services;
- WHEREAS,** the Department of Public Health and Social Services ("DPHSS"), Division of Senior Citizens ("DSC") has proposed to sub-grant to the PDSC the Legal Assistance Services ("LAS") program it administers for the purpose of providing legal assistance and representation to individuals aged 60 or older;
- WHEREAS,** the Executive Director of the PDSC has represented to the Board of Trustees a willingness to accept the work proposed and the ability to complete the work without compromising the scope of criminal defense work the PDSC provides, and has presented a plan for limiting conflicts of interest. These matters are addressed separately in Resolution No. 06-20. Now, therefore, be it

RESOLVED that the moratorium involving civil and domestic cases, imposed by Resolution No. 13-12, is hereby modified to enable the PDSC to accept qualified clients in civil matters under the LAS program administered by DPHSS, DSC. The PDSC's ability to engage in these representations shall be limited to the terms of the LAS program administered by the DPHSS, DSC and in compliance with Section 11105 of Title 12 of the Guam Code Annotated ("The Corporation shall render legal aid and assistance to those persons in Guam, who, under rules established by the Corporation, are in need of legal assistance and representation and who are unable to afford an attorney in private practice."); and, be it further

RESOLVED that the PDSC shall engage in these additional services pursuant to a pilot program that shall be six months in duration from the adoption of this resolution and reviewed by the Board of Trustees upon its expiration.

DULY AND REGULARLY ADOPTED this 28th day of July, 2020.



Chief Justice F. PHILIP CARBULLIDO
Chairman



CATHY GOGUE
Secretary