

**BEFORE THE BOARD OF TRUSTEES  
OF THE PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO THE RECRUITMENT ABOVE-STEP FOR  
ATTORNEY RICHARD R. HERMES, ESQ.**

**RESOLUTION NO. PDSC 26-16**

- 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 year, the **PDSC** has lost four (4) Attorney Level 4 at Step 7 or higher and three (3) Attorney Level 3 at Step 2 or higher, to either government transfers, retirement, resignations and promotions; and
- WHEREAS,** the **PDSC** continues to be in dire need to hire experienced attorneys to fill the void that exists as a result of this mass exodus; and
- WHEREAS,** **PDSC** has received applications for attorneys who qualify for the Attorney Level 4, but without extensive trial and/or appellate experience to independently handle capital crimes, felonies and appeals – **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 **PDSC**; and
- WHEREAS,** **PDSC** needs to have the ability to attract talented and experienced attorneys above the Attorney Levels 3 and 4, Step 1; and
- WHEREAS,** at the September 20, 2016 Board of Trustees meeting, a petition was submitted to have Richard R. Hermes, Esq., to fill the vacancy of Attorney Level 4 under Job Announcement JA-15-16, which was opened June 6, 2016 as continuous; and
- WHEREAS,** Attorney Hermes has a total of 27 years and 9 months of attorney experience to include teaching experience and appointment as a Public Defender in Minnesota while maintaining private practice

**WHEREAS,** Attorney Hermes' caseload consisted mainly of felony crimes, including gross misdemeanor, misdemeanor, juvenile and child protection matters; and

**WHEREAS,** Attorney Hermes is adjunct faculty, teaching paralegal studies at the Minnesota School of Business (MSB) from 2004 – 2011; taught Litigation and Trial Practice, Criminal Law and Procedure, Legal Writing I/II, Civil Procedure, Legal Research I/II, Business Organization and other law school classes; and


**WHEREAS,** Attorney Hermes will have a lighter caseload at PDSC taking on other duties that would include legal training and education of attorneys and support staff;

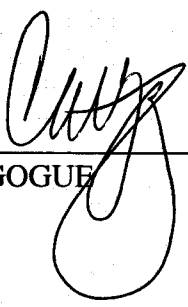
**WHEREAS,** the PDSC submitted the Request for Recruitment Above-Step to hire Attorney Hermes at Attorney Level 4 Step 10 at an annual salary of \$117,880; and

**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 September 20, 2016, hereby approves the Corporation's Request for Recruitment Above-Step, pursuant to Title 4 GCA, Chapter 6 §6205, for Richard R. Hermes, Esq., to Attorney Level 4, Step 10 at \$117,880 per annum after the completion of the required posting and press release to the media.

**DULY AND REGULARLY ADOPTED** this 20<sup>th</sup> day of September 2016.

  
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Chief Justice ROBERT J. TORRES, JR.

ATTEST:   
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CATHY GOGUE  
Secretary