


I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
96-38 (LS)	Frank F. Blas, Jr.	AN ACT TO <i>REPEAL</i> AND <i>REENACT</i> CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO <i>AMEND</i> §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE "GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025."	3/24/25 2:50 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 96-38 (LS)

Introduced by:

Frank F. Blas, Jr. 

AN ACT TO REPEAL AND REENACT CHAPTER 11 OF TITLE 12, GUAM CODE ANNOTATED; AND TO AMEND §45.30(b) AND §45.40 OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED; RELATIVE TO THE REORGANIZATION OF THE GUAM PUBLIC DEFENDER SERVICE CORPORATION TO PROVIDE EFFECTIVE LEGAL AID AND SERVICES TO PERSONS WHO ARE ENTITLED TO COUNSEL UNDER THE ORGANIC ACT OF GUAM, THE LAWS OF GUAM, AND THE UNITED STATES CONSTITUTION AND TO CITE THIS ACT AS THE “GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT OF 2025.”

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** I Liheslaturan Guåhan finds
3 that the right to counsel is a fundamental guarantee under the Organic Act of Guam
4 and the Sixth Amendment to the United States Constitution. This right obligates
5 Guam to ensure effective assistance of counsel to indigent individuals facing a
6 potential loss of liberty.

7 I Liheslaturan Guåhan further finds under Guam law, the Public Defender
8 Services Corporation (PDSC) administers the majority of adult and juvenile trial and
9 appellate representation throughout Guam. In this system, primary representation is
10 provided by public defenders from the PDSC division, while secondary

1 representation is administered by the Alternate Public Defender (APD) division.
2 Tertiary representation is provided by a Private Attorney Panel appointed by the
3 Judiciary and compensated on an hourly basis. In cases where no panel attorney is
4 available, judges have the authority to appoint a licensed attorney to ensure
5 representation.

6 *I Liheslaturan Guåhan* further finds that a March 2024 evaluation by the Sixth
7 Amendment Center identified challenges in achieving full independence for Guam’s
8 indigent defense system, which is essential to ensuring effective representation and
9 public confidence in the justice system. The report highlighted the need for an
10 independent governance structure to oversee indigent defense services, addressing
11 key areas such as attorney qualifications, supervision, and resource allocation.

12 *I Liheslaturan Guåhan* further finds that for years, the Judiciary of Guam has
13 overseen and provided administrative support for the operations of the Private
14 Attorney Panel. While the Judiciary’s leadership has been necessary to ensure the
15 right to counsel during the early development of indigent defense, *I Liheslatura*
16 recognizes the importance of establishing independence to prevent undue influence
17 from any single branch of government, improving the delivery of justice and
18 upholding constitutional rights.

19 It is therefore the intent of *I Liheslaturan Guåhan* that the Guam Public
20 Defender Service Corporation shall manage the island’s public legal services
21 delivery system. This corporation will oversee all indigent defense services on
22 Guam, including, at minimum, a public defender division, an alternate public
23 defender division, a civil legal services division, and a private attorney panel. The
24 corporation will further have the authority to promulgate and enforce standards for
25 indigent defense, collect and analyze data, and allocate resources to maintain
26 effective and equitable representation.

1 *I Liheslaturan Guåhan* further finds that indigent defense services on Guam
2 are partially funded through the Judicial Client Services Fund, which is under the
3 stewardship of the Judicial Council (7 GUAM CODE ANN. §9602). All fees, fines,
4 or revenues approved by the Supreme Court of Guam or the Judicial Council and
5 collected by the Courts of Guam, which are over and above the fees collected as of
6 September 12, 2002, are deposited into this fund.

7 *I Liheslaturan Guåhan* further finds that the Judicial Client Services Fund was
8 not established to fully support indigent defense but to serve as a supplementary
9 source to bridge funding gaps (Committee Report on Bill No. 124-33). Indigent
10 defense is only one of several critical services the Fund supports. In addition to
11 indigent defense, the Fund also supports client services and family counseling, off-
12 island marshal escorts, operations at Erica’s House, interpreters through the
13 Language Assistance Program, as well as claims for expert witnesses, investigators,
14 jury fees, and other necessary expenses. Additionally, the Fund oversees mediation
15 services related to custody and visitation of minor children when ordered by the
16 court, as permitted under Miscellaneous Rule 4 of the Local Rules of Court.

17 *I Liheslaturan Guåhan* further finds that from 2005 to 2019, indigent defense
18 was primarily funded through direct appropriations from the Legislature to the
19 Judiciary (P.L. 28-68; P.L. 28-150; P.L. 29-19; P.L. 29-113; P.L. 30-55; P.L. 30-
20 196; P.L. 31-77; P.L. 31-233; P.L. 32-68, P.L. 32-181, P.L. 33-66. P.L. 33-185, P.L.
21 34-43; P.L. 34-116). These appropriations, sourced from the General Fund, were
22 designated specifically for court-appointed attorney fees to support the legal defense
23 of indigent individuals. Despite continuing to oversee the private attorney panel, the
24 Judiciary now receives no direct legislative funding for indigent defense and relies
25 on fines and fees within the Judicial Client Services Fund. This absence of direct
26 funding poses significant challenges in maintaining quality indigent defense
27 services.

1 § 11109. Board of Trustees: Minimum Standards, Rules, and Procedures

2 § 11110. Director: Appointment and Qualifications

3 § 11111. Director: Powers and Duties

4 § 11112. Personnel and Employment

5 § 11113. Additional Authority

6 § 11114. Data Collection

7 § 11115. Funding

8 § 11116. Annual Report

9 § 11117. Federal Landtakings: Legal Aid and Assistance.

10 § 11118. Same: No Charge for Costs and Services.

11 § 11119. Continuity of Operations

12 **§ 11101. Short Title.** This Chapter may be cited as the Guam Public Defender
13 Service Corporation Act of 2025.

14 **§ 11102. Definitions.**

15 (a) “Attorney” means a person licensed to practice law in Guam.

16 (b) “Child” or “minor” means a person less than eighteen (18) years of age
17 on the date legal proceedings are first commenced against the person.

18 (c) “Corporation” means Guam Public Defender Service Corporation.

19 (d) “Board” means the Board of Trustees of the Corporation.

20 (e) “Division” means an organized structure within the Guam Public
21 Defender Service Corporation.

22 (f) “Managing Attorney” means the head of each Guam Public Defender
23 Service Corporation division.

24 (g) “Director” means the attorney appointed by the Guam Public Defender
25 Service Corporation Board to oversee all Guam Public Defender Service
26 Corporation divisions.

1 (h) “Indigent” means a person who does not have sufficient resources to
2 retain a private attorney and pay for the necessary expenses of legal representation
3 without substantial burden or undue hardship.

4 (i) “Lawyer” means a person licensed to practice law in a jurisdiction
5 subject to the Sixth Amendment of the U.S. Constitution.

6 (j) “Public legal services” means legal representation provided to an
7 indigent person.

8 (k) “Public legal services” provider means an attorney or Division
9 providing public legal services by the Corporation.

10 **§ 11103. Establishment of The Guam Public Defender Service**
11 **Corporation.** In order to provide effective public legal services to those persons in
12 Guam, there is created a public corporation to be known as the Guam Public
13 Defender Service Corporation. The Guam Public Defender Service Corporation is
14 established as an autonomous entity within the government of Guam. Except for The
15 Supreme Court of Guam’s authority to regulate the practice of law under The
16 Organic Act of Guam, the Corporation shall have full authority to independently and
17 autonomously oversee, supervise, and control the administration, budgeting,
18 funding, jurisdiction, and delivery of all public legal services in Guam. The
19 Corporation shall exercise its statutory powers and duties independent of any other
20 branch of the government of Guam.

21 **§ 11104. Corporation: Powers and Duties.** The Corporation shall:

22 (a) Accept all appointments from the courts of Guam to provide public
23 legal services, unless all divisions have a conflict of interest, including but not
24 limited to excessive workloads. It shall be the duty of the Corporation to defend
25 indigent persons charged in criminal cases before the courts of Guam. The
26 determination of whether a defendant is indigent and whether his case is to be
27 referred to the Corporation shall be at the discretion of the judge before whom such

1 defendant is appearing. The Corporation may assist the judges of the courts of Guam
2 in ruling on cases of indigency and in establishing criteria for determining when the
3 services of the Corporation are appropriate.

4 (b) Render public legal services to those persons in Guam, who, under rules
5 established by the Corporation, are in the greatest economic and social need of legal
6 assistance and representation. The Corporation shall not accept fee-generating cases
7 and shall give legal assistance in civil matters only to those who would otherwise
8 not receive such assistance. The Corporation may apply for, receive, and administer
9 grants, subgrants or enter into intragovernmental and intergovernmental agreements
10 to provide legal services to elderly individuals or other classes of individuals in need,
11 as defined pursuant to local or federal laws, regulations, or guidelines. The
12 Corporation is authorized to comply with the requirements of federal grants,
13 subgrants, and intragovernmental and intergovernmental agreements, to include
14 representation of individuals who may qualify for services pursuant to the terms of
15 federal grants, subgrants, and intragovernmental and intergovernmental agreements.

16 (c) Apply for, receive, distribute, and administer grants, private gifts, and
17 bequests.

18 (d) Establish divisions to oversee a public legal services delivery system
19 that shall consist of, at a minimum, the following:

20 (1) Administration Division to provide for the day-to-day operations of
21 the Corporation and to provide training, human resources, technology, data
22 collection, finance, accounting, resources, communication, administrative
23 support to all other divisions, and other such duties as assigned by the
24 Director.

25 (2) Public Defender Division to provide public legal services to
26 indigent persons in criminal and/or juvenile proceedings, unless the Public

1 Defender Division has a conflict of interest, and other such duties as assigned
2 by the Director.

3 (3) Alternate Public Defender Division to provide public legal services
4 to indigent persons in criminal and/or juvenile proceedings when the Public
5 Defender Division has a conflict of interest, unless the Alternate Public
6 Defender Division has a conflict of interest, and other such duties as assigned
7 by the Director.

8 (4) Civil Law Center to provide civil legal representation to indigent
9 persons, unless the Civil Law Center has a conflict of interest. In accordance
10 to the mandates under 12 G.G.A. § 11105, the Civil Law Center shall be
11 strictly responsible for handling only matters relating to civil public legal
12 services. To avoid conflicts, the Civil Law Center shall not receive criminal
13 court appointments.

14 (5) Private Attorney Panel Division to provide public legal services to
15 indigent persons in criminal and/or juvenile proceedings who are entitled to
16 public legal services in the Superior and Supreme courts of Guam who cannot
17 be represented by any other division due to a conflict of interest. This will
18 include representation at trial, to include writs involving the protection of
19 constitutional rights. Public legal services providers and support staff
20 providing this representation shall not be employees of the Corporation. This
21 division may include a panel of investigators appointed to assist Private
22 Attorney Panel attorneys on a case by case basis. The Private Attorney Panel
23 Division shall consist of attorneys qualified by Board Policy to receive
24 appointments for the provision of public legal services when both the Public
25 Defender Division and Alternate Public Defender divisions is unable to
26 represent an indigent defendant. Such private attorneys may be retained as
27 independent contractors based upon possessing qualifications established by

1 the Board and receiving a rate of pay established by the Board. The
2 procurement of such professional legal services are exempt from procurement
3 rules.

4 (6) The Director may establish such divisions or other organizational
5 units as may be determined to be necessary for the efficient and effective
6 administration and operation of the Corporation.

7 (e) Advocate to the government of Guam for resources and policies
8 necessary to ensure effective public legal services, to include resource parity.

9 (f) Has the power to do any and all things necessary to further the purposes
10 of this Chapter and to perform the duties imposed by subsection (a) and (b).

11 (g) Has the power to sue on behalf of the Corporation, its clients, its
12 employees, or itself to enforce any rights granted to the Corporation or mandated by
13 law or granted by the Organic Act of Guam, the U.S. Constitution or the laws of
14 Guam.

15 (h) Has the power to lease, evict, or sue on behalf of the Corporation,
16 relative to the Corporation's properties, equipment, and facilities.

17 **§ 11105. Board of Trustees: Appointments, Membership, and Terms. All**
18 powers vested in the Corporation, except as otherwise provided in this Chapter, shall
19 be exercised by the Board of Trustees. The Board shall consist of seven members.
20 At least four members shall be licensed to practice law in jurisdictions that are
21 subject to the Sixth Amendment of the U.S. Constitution.

22 (a) The Board members shall be appointed as follows:

23 (1) Two members by the Chief Justice of The Supreme Court of
24 Guam, one of whom must be a lawyer.

25 (2) Two members by the Governor of Guam, one of whom is a
26 lawyer and one of whom has experience in public administration, finance
27 and/or budgeting;

1 (3) Two members by the Speaker of the Guam Legislature, one of
2 whom is a lawyer and one of whom has experience in public administration,
3 finance and/or budgeting;

4 (4) One member by the President of the Guam Bar Association, who
5 must be a lawyer.

6 (b) If any one of these entities fails to appoint, cannot appoint, or refuses
7 to appoint a Board member within thirty days of the request, the Director shall
8 appoint an acting Board member until such time as the vacancy is filled.

9 (c) The term for a Board member shall be four years. Board members shall
10 hold office until their successors are appointed and shall continue to exercise such
11 duties until a successor is appointed. Board members may serve more than one term,
12 but no more than three successive full terms. The initial terms of the members shall
13 be staggered: two members shall be appointed for a term of four years each, two
14 members shall be appointed for a term of three years each, two members shall be
15 appointed for a term of two years each, and one member shall be appointed for a
16 term of one year. Initial appointments shall be for the following terms:

17 (1) The lawyer member appointed by the Chief Justice shall serve an
18 initial term of two years.

19 (2) The member appointed by the Chief Justice shall serve an initial
20 term of four years.

21 (3) The lawyer member appointed by the Governor shall serve an
22 initial term of two years.

23 (4) The member appointed by the Governor with experience in
24 public administration, finance and/or budgeting shall serve an initial term of
25 four years.

26 (5) The lawyer member appointed by the Speaker of the Guam
27 Legislature shall serve an initial term of three years.

1 (6) The member appointed by the Speaker of the Guam Legislature
2 with experience in finance, accounting, and/or budgeting shall serve an initial
3 term of three years.

4 (7) The member appointed by the President of the Guam Bar
5 Association, shall serve an initial term of one year.

6 (d) A vacancy in the Board membership shall be filled in the same manner
7 as the original appointment.

8 (e) The Board shall initially elect two of the original Board members to
9 serve as chairperson and vice chairperson for a term of one year. At the expiration
10 of the initial year, or upon the vacancy in the membership of the appointed
11 chairperson and/or vice chairperson, the Board shall elect a chairperson and vice
12 chairperson from its membership to serve a two-year term. A member shall not serve
13 as chairperson and vice chairperson of the Board for more than three successive full
14 terms.

15 **§ 11106. Board of Trustees: Qualifications.**

16 (a) A person appointed to the Board shall have:

17 (1) significant experience in the legal representation of criminal,
18 juvenile or civil cases; or

19 (2) a demonstrated commitment to quality public legal services.

20 (b) No person shall be appointed to, or serve on, the Board who is a:

21 (1) current justice, judge, judicial officer, Guam Bar Association
22 Officer, or employee thereof;

23 (2) current prosecutor, law enforcement official, or employee
24 thereof;

25 (3) current elected Senator, public legal services provider or
26 employee of the Corporation; or

1 (4) current contractor with, or recipient of funding from, the
2 Corporation, Office of the Attorney General (OAG), or employee thereof.

3 (c) Lawyer members may be from off-island jurisdictions that are subject
4 to the Sixth Amendment of the United States Constitution. Lawyer members may
5 be retired judicial officers, inactive attorneys, and retired attorneys who resigned in
6 good standing.

7 **§ 11107. Board of Trustees: Meetings, Compensation, and Removal.**

8 (a) No less than four Board members shall constitute a quorum at a meeting
9 of the Board of Trustees. No less than four Board members must vote in favor for a
10 motion to pass. The Board shall hold monthly meetings for the first two years and
11 hold quarterly meetings thereafter, unless more frequent meetings are warranted.
12 Board meetings shall be open to the public. Board meetings may be held virtually so
13 long as there is opportunity for meaningful public participation and pursuant to
14 Guam law.

15 (b) Board members shall receive a stipend as authorized under Guam law
16 for board members.

17 (c) The majority of the Board may remove a member for cause. Grounds
18 for removal and procedure shall be set forth in the bylaws.

19 **§ 11108. Board of Trustees: Powers and Duties.** The Board of Trustees
20 shall:

21 (a) Establish standards governing effective public legal services in Guam.
22 Such standards shall be designed to ensure public legal services meet constitutional
23 requirements required under The Organic Act of Guam, the laws of Guam, the
24 United States Constitution, and industry best practices.

25 (b) Establish a formal indigency determination standard to assess a
26 person's eligibility to receive public legal services. The indigency determination
27 shall be periodically reviewed so that the standard reflects the current state of

1 Guam's economy. In establishing a formal indigency determination standard, the
2 Board shall:

3 (1) Determine the prevailing rate for retaining a private defense
4 attorney in Guam;

5 (2) Establish a presumption of indigency, whereby a person is
6 automatically presumed indigent in certain situations, including but not
7 limited to a person who is incarcerated; a person in a mental health, substance
8 abuse, or any other type of residential or treatment facility; a person who is
9 unemployed; a person who is the recipient of any type of public assistance at
10 the time of the indigency determination; or a person who is a minor; and

11 (3) Consider the person's dependents, income, and other factors for
12 the court to make a fair and efficient determination of a person's indigency.

13 (c) Appoint the Director to oversee all Corporation divisions.

14 (d) Conduct an annual performance evaluation for the Director.

15 (e) Establish minimum qualifications for each division Managing
16 Attorney.

17 (f) Approve, modify, and/or disapprove budget requests from the Director
18 and submit financial and budgetary requests and reports to the judiciary, legislature,
19 and/or governor as required by law.

20 (g) Adopt such policies and procedures as may be necessary to carry out
21 the Board's powers and duties, including adopting bylaws to govern the Corporation
22 and all divisions within the Corporation.

23 (h) Adopt policy and rules for the operation of the Corporation, including
24 but not limited to, personnel, procurement, facilities and property, financial and
25 travel.

26 **§ 11109. Board of Trustees: Minimum Standards, Rules, and Procedures.**

27 The Board of Trustees shall promulgate and implement minimum standards, rules,

1 and procedures to guarantee indigent persons effective assistance of counsel as
2 provided under The Organic Act of Guam, the laws of Guam, and the United States
3 Constitution. The minimum standards, rules, and procedures shall apply to all public
4 legal services providers. Such standards, rules, and procedures, shall be guided by
5 the following principles:

6 (a) The delivery of public legal services shall be independent of judicial
7 and political influence.

8 (b) Public legal services providers' ability, training, and experience shall
9 match the nature and complexity of the case appointed.

10 (c) Public legal services providers shall attend initial and annual training
11 relevant to the types of cases on which they provide representation.

12 (d) Public legal services providers' workloads shall be controlled to permit
13 sufficient time and resources to represent every indigent client. Procedures shall be
14 established for the Corporation to decline cases due to excessive workload.

15 (e) Public legal services providers shall be appointed immediately after
16 arrest, detention, or upon request and shall confer with their client prior to the next
17 court appearance.

18 (f) Waiver of the right to counsel shall not be coerced or encouraged.
19 Before a person may waive counsel, they must be provided a meaningful opportunity
20 to confer with a public legal services provider.

21 (g) Barring conflicts of interest, the same public legal services provider or
22 Division shall continuously represent and personally appear at every court
23 appearance throughout the pendency of the case.

24 (h) Each indigent person shall receive a public legal services provider who
25 is free of conflicts of interest as early as possible in the case.

26 (i) Public legal services providers shall be provided space where attorney-
27 client confidentiality is safeguarded for meetings with clients.

1 (j) Public legal services providers shall be compensated at a rate that does
2 not discourage, disincentivize, or impair the provider's ability to provide effective
3 representation. No public legal services provider shall be paid a flat fee in exchange
4 for legal representation services. Government employed public legal services
5 providers shall be compensated at a rate comparable to other publicly funded
6 attorneys and should not be compensated less than prosecutors. Private attorneys
7 should be paid at a rate that reflects the cost of overhead and other office expenses,
8 as well as payment for work.

9 (k) Public legal services providers shall have clear procedures for obtaining
10 experts, investigators, social workers, interpreters, secretaries, paralegals, and
11 resources for cases that do not discourage, disincentivize, or impair the provider's
12 ability to provide effective representation.

13 (l) Public legal services providers shall be systematically reviewed for
14 effective representation according to the Corporation's standards.

15 (m) Public legal services providers shall provide requested data to the
16 Corporation.

17 **§ 11110. Director: Appointment and Qualifications.** The Board shall
18 appoint the Director, who shall head and oversee the operation of all Corporation
19 divisions.

20 (a) The Director shall directly supervise the administrative division and
21 shall supervise the other divisions through the Managing Attorneys.

22 (b) The Director shall be appointed by approval of five Board members and
23 for a term of office of four years, which can be renewed.

24 (c) The Director may be removed by the Board in its discretion.

25 (d) The Director shall be an unclassified position. If the Director is
26 appointed from among the classified employees of the Government, upon the
27 termination of the appointment as Director, the former Director may return to the

1 classified position held previously as provided for in the personnel rules of the
2 Corporation.

3 (e) The Director shall be an attorney with the following minimum
4 qualifications:

5 (1) Licensed to practice law in Guam;

6 (2) Five years of legal experience in public legal services in criminal
7 or juvenile delinquency cases, at the trial or appellate level;

8 (3) Commitment to ensuring effective public legal services to all
9 indigent persons in Guam; and

10 (4) Experience in management, or with the legislative process.

11 (f) The Director shall be full-time and devote their entire time during
12 ordinary business hours to their duties. The Director shall neither directly nor
13 indirectly engage in the private practice of law.

14 **§ 11111. Director: Powers and Duties.** The Director shall have the sole
15 responsibility to carry out the purposes and duties of the Corporation and ensure that
16 each division fulfills its statutory duty, including but not limited to:

17 (a) Appointing a Deputy Director, and such other personnel, and fix their
18 duties, under and in accordance with 4 GCA, as may be necessary for the purposes
19 of this Chapter.

20 (b) Appointing the managing attorney of each Corporation division.

21 (c) Hiring the necessary attorney, professional, technical, and support staff
22 for each division to accomplish the division's statutory duties.

23 (d) Determining and implementing the method for delivering public legal
24 services by utilizing government-employed public defenders and private attorneys.

25 (e) Requiring and receiving monthly financial reporting from each
26 division, including assets, liabilities, receipts, and expenditures.

27 (f) Collecting and analyzing data from all divisions.

1 (g) Requesting proposed budgets from each division, to propose a
2 comprehensive budget for each division to the Board of Trustees.

3 (h) Proposing budgets and policies to the Board of Trustees.

4 (i) Distributing legislative appropriations to each division.

5 (j) Assisting the Board in developing standards.

6 (k) Investigating, auditing, and reviewing the operation of all public legal
7 services to ensure compliance with the Board of Trustees' standards, rules, and
8 procedures.

9 (l) Identifying and implementing a system of performance metrics to
10 assess compliance with Board standards.

11 (m) Establishing procedures for clients, judges, and prosecutors to
12 communicate concerns and/or needs regarding the provision of public legal services,
13 and procedures for the Corporation to respond.

14 (n) Establishing procedures for monitoring, and responding to, client
15 complaints on an ongoing basis.

16 (o) Providing training and support to all public legal services providers.

17 (p) Submitting an Annual Report to the Board of Trustees.

18 **§ 11112. Personnel and Employment.**

19 (a) Pursuant to the provisions of 4 GCA § 4105, the Board shall establish
20 rules and regulations governing selection, promotion, performance evaluation,
21 demotion, suspension and other disciplinary action for the employees of the
22 Corporation.

23 (b) Employees of the Corporation shall be in the classified service unless
24 otherwise authorized by law. Employees of the Corporation shall be members of the
25 Government of Guam Retirement Fund, subject to the provisions of 4 GCA § 8105,
26 except that for the purposes of Subsection (a) of said Section, the employees of the
27 Corporation shall not be considered employees of a “public corporation,” whereby

1 their membership in the Fund is optional and membership therein must be
2 specifically requested. The Corporation shall contribute to the Government of Guam
3 Retirement Fund on the basis of annual billings, as determined by the Board of
4 Trustees of the Government of Guam Retirement Fund, for the government share of
5 the cost of the retirement benefits applicable to the Corporation’s employees and
6 their beneficiaries. The Corporation shall also contribute to the Workmen’s
7 Compensation Fund, on the basis of annual billings, as determined by the
8 Workmen’s Compensation Commission, for the benefit payments made from such
9 Fund on account of the Corporation’s employees.

10 (c) Notwithstanding any other provision of law, compensation for
11 employees of the Corporation shall be in accordance with the compensation plan set
12 forth in the “Government of Guam Competitive Wage Act of 2014 as amended by
13 the 2024 Updated Attorney Pay Plan, General Pay Plan, and Law Enforcement Pay
14 Plan,” subject to appropriations, unless modified by the Board pursuant to Title 4
15 GCA §6302.

16 (d) The attorneys employed by the Corporation may practice before the
17 courts of Guam on the same basis as other government attorneys pursuant to the
18 Guam Rules Governing Admission to the Practice of Law.

19 **§ 11113. Additional Authority.** The Corporation may require assistance from
20 any department or agency of the government of Guam in fulfilling its responsibility
21 pursuant to this chapter, including but not limited to waiving any fees or costs for
22 services involving the representation of indigent clients.

23 **§ 11114. Data Collection.** The Corporation shall, at a minimum, collect and
24 regularly review data related to:

25 (a) Public legal services providers’ workloads that detail the number of
26 cases, by case type, open at the start of the month; newly opened cases during the
27 month; closed cases during the month; and open cases at the end of the month. Data

1 shall be provided for each division as a whole and for each attorney providing
2 representation within a division;

3 (b) The time public legal services providers devote to providing
4 representation in individual cases, and the time devoted to non-case-related work;

5 (c) The use of investigators, experts, social workers and other support
6 services;

7 (d) Major case events;

8 (e) Case outcomes;

9 (f) Monetary expenditures;

10 (g) Clients' race, ethnicity and gender;

11 (h) Persons waiving public legal services, persons seeking public legal
12 services, persons denied public legal services, and persons denied public legal
13 services who proceed in their case without counsel or with retained counsel; and

14 (i) All other data necessary to ensure effective public legal services in
15 Guam.

16 **§ 11115. Funding.** The Corporation shall be funded to ensure effective public
17 legal services are provided as required by The Organic Act of Guam, the laws of
18 Guam, and the United States Constitution.

19 (a) There is hereby established a fund to be known as the "Public Defender
20 Service Corporation Fund," which shall be maintained by the Administration
21 Division separate and apart from other funds of the Government, and independent
22 records and accounts shall be maintained in connection therewith. Every quarter, the
23 financial statement of the Public Defender Service Corporation Fund shall be
24 furnished to the Guam Legislature.

25 (b) All moneys received by the Corporation, from whatever source derived,
26 including local appropriation or grant, federal appropriation or grant, private gifts,
27 bequests, and donations, shall be deposited in the Public Defender Service

1 Corporation Fund. The Corporation shall be allowed to carry over all lapses from
2 fiscal year to fiscal year, notwithstanding any other provision of law, or
3 administrative provision in public laws setting forth each fiscal year's budget. This
4 provision shall remain in effect in all budgets hereafter, unless specifically amended
5 or repealed by subsequent legislation.

6 (c) All expenditures for the Corporation and its divisions shall be made
7 from the Public Defender Service Corporation Fund.

8 (d) The Corporation shall adopt and maintain a uniform system of
9 accounting.

10 **§ 11116. Annual Report.** The Corporation shall submit an annual report,
11 which shall be public, to the Governor, Legislature, and The Supreme Court of
12 Guam. The annual report must include, but not be limited to, data on operations,
13 expenditures, revenues, and compliance with the Corporation's standards.

14 **§ 11117. Federal Landtakings: Legal Aid and Assistance.** Notwithstanding
15 the provisions of § 11104(b) of this Title, the Public Defender Corporation shall
16 assist and represent in court or otherwise persons who have apparently valid claims
17 under §204 (relating to federal landtakings) of the Territorial Omnibus 7 Act of 1977
18 (H.R. 6550). The Corporation shall render legal aid and assistance to any person who
19 qualifies under the following guidelines:

20 (a) A family or individual below one hundred fifty percent (150%) of the
21 Community Service Administration's (CSA) Income Poverty Guidelines adjusted
22 for Guam;

23 (b) A family or individual who is receiving welfare benefits; or (c) A person
24 who has been rejected, in writing, by two (2) private practicing members of the
25 Guam Bar.

26 **§ 11118. Same: No Charge for Costs and Services.** The Guam Public
27 Defender Corporation shall not charge claimants for its general costs or services or

1 require a claimant to repay any filing fees or other court related fees incurred in the
2 representation of the claimant. The Corporation may require assistance from any
3 department or agency of the government of Guam in fulfilling its responsibility
4 pursuant to this Chapter.

5 **§ 11119. Continuity of Operations.**

6 The Guam Public Defender Service Corporation shall be the successor to the
7 Public Defender Service Corporation. Wherever, Guam law, rule or regulation
8 refers to the Public Defender Service Corporation, such references shall be changed
9 to the Guam Public Defender Service Corporation.”

10 **Section 3.** § 45.30(b) of Chapter 45, Title 8, Guam Code Annotated is hereby
11 *amended* to read:

12 “(b) If the defendant appears without counsel, the court shall ask him if he
13 desires the assistance of counsel. If he desires counsel, the court shall inquire of him
14 whether he is financially able to employ counsel and, if so, whether he desires to
15 employ counsel of his choice or to have counsel assigned to him ~~at his own expense~~
16 through the Guam Public Defender Service Corporation. If he desires assignment of
17 counsel, the court shall make such assignment. The court shall assign counsel at
18 public expense if the defendant desires counsel and is financially unable to employ
19 counsel.”

20 **Section 4.** § 45.40 of Chapter 45, Title 8, Guam Code Annotated is hereby
21 *amended* to read:

22 “**§45.40.** In any criminal action in which a defendant is entitled to be
23 represented by counsel at public expense and ~~the court finds that~~ because of conflict
24 of interest or other reason that the public defender has properly refused to represent
25 the defendant, the ~~court~~ Private Attorney Panel Division of the Guam Public
26 Defender Service Corporation shall appoint private counsel for the defendant who
27 shall receive a reasonable compensation and necessary expenses to be paid by the

1 Guam Public Defender Service Corporation subject to appropriation. ~~and order that~~
2 ~~counsel receive a reasonable sum for compensation and necessary expenses to be~~
3 ~~paid by the Treasurer of the Territory.”~~

4 **Section 5. Transfer.** Effective October 1, 2025, the following shall be
5 transferred from the Public Defender Service Corporation to the Guam Public
6 Defender Service Corporation:

7 (a) All moneys in the Public Defender Service Corporation Fund.

8 (b) All employees of the Public Defender Service Corporation. Any person
9 accepting employment under this Section shall receive not less than the straight-time
10 rate of compensation he was receiving immediately before the transfer date. The
11 other employment benefits and rights, including retirement and leave of such
12 transferred employees, shall be governed by the provisions of 12 GCA § 11112.

13 (d) All property of the Public Defender Service Corporation.

14 **Section 6. Effective Date.** This Act shall become effective on October 1,
15 2025.