

PUBLIC DEFENDER SERVICE CORPORATION

FY2010 CITIZEN CENTRIC REPORT



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BOARD OF TRUSTEES

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Our Vision

To maintain a dynamic, efficient, client-focused environment for both our clients and employees while defending justice and equality for the people of Guam.

Our Mission

As public servants, the Public Defender Service Corporation exists to provide effective legal assistance to those unable to afford private counsel, thereby ensuring equal protection of their lawful rights, in accordance with prescribed ethics, laws, rules and regulations.

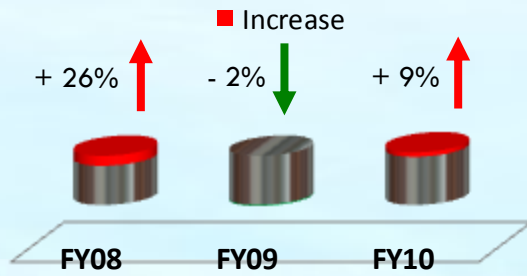
YOUR RIGHTS AS A CLIENT

By declaring you eligible for representation by the Public Defender Service Corporation, the court has assured that you will be represented by a skilled attorney, who specializes in handling criminal matters. As a client, you have the following rights:

1. Your attorney is obligated to act on your behalf and to represent you on indictable charges brought against you. He or she will do so with reasonable diligence and promptness. Your attorney will respond as quickly as possible to any reasonable requests you make for information about your case.
2. Your attorney will explain your case to you to the extent reasonably necessary to permit you to make informed decisions regarding your representation. Information about your case will not be revealed to anyone without your consent.
3. You have the constitutional right to remain silent. You are advised to speak to no one other than your public defender attorney or investigator about yourself or your case once the charges are brought against you.
4. You have the right to decide what plea to enter, whether or not to give up your right to trial by jury, and whether or not to testify on your own behalf. Your attorney will give you candid advice in making these decisions and in handling other aspects of your case.
5. The Public Defender Service Corporation also will provide for you other services such as court transcripts and expert witnesses, if needed. The office has the right to decide the extent of such services and how much will be paid for them.
6. The Public Defender Service Corporation will continue to represent you, if necessary, in any post-conviction proceedings warranting assignment of counsel, pursuant to rules of the court.

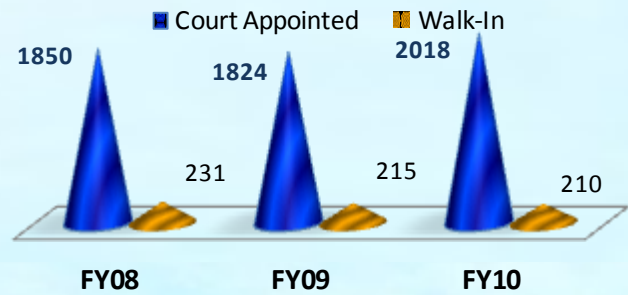
PDSC CASE ACTIVITY

3 Year Trend NEW CASES



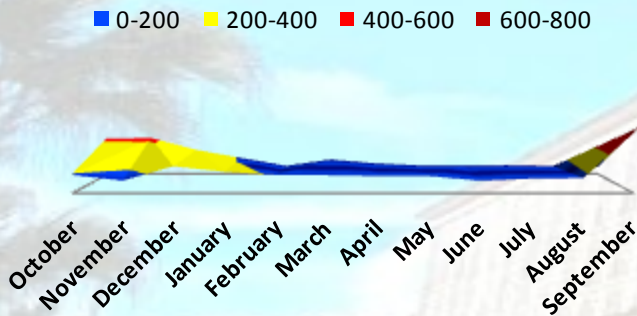
The significant increase in New Cases for FY08 were mainly due to the PDSC's Case Management System Filing and Archiving initiative. Despite the skewed increase in FY08, the PDSC received an additional 9% increase in FY10 when compared to the number of new cases for FY09.

3 Year Trend SOURCE OF NEW CASES



Total number of new cases for FY08=2081, FY09=2039, and FY10=2228. The trend for Court Appointed cases to the PDSC are decreasing (FY08=13%, FY09=12%, FY10=11%). However, the PDSC caseload continues to increase, as illustrated on the New Cases chart to the left.

FY09 & FY10 CLOSED CASES



On average, the PDSC closes between 100 to 200 cases per month, with 10 staff attorneys as of FY10. With the increase in staffing levels for FY11, we expect the number of cases closed per month to increase in the future. (Note: Peaks in the illustration are due to the PDSC's Cases Management System Filing and Archiving initiative. Data for FY08 Closed Cases is unavailable due to system constraints.)

PDSC CASE CONFLICTS

The general reason for the PDSC withdrawing from a case is due to 'the appearance of impropriety' (e.g. the victim in a criminal case is a PDSC client for another case that remains pending before the courts).

FY08



Conflicts = 4%

FY09



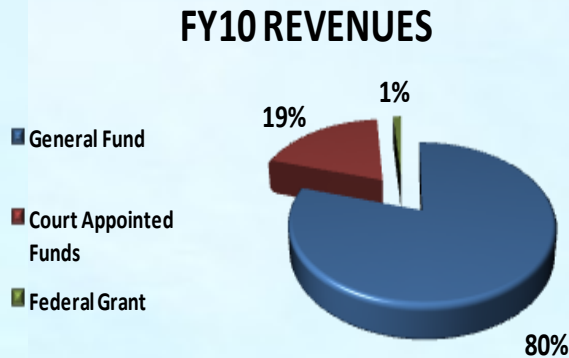
Conflicts = 6%

FY10



Conflicts = 5%

PDSC REVENUES



REVENUES	FY08	FY09	FY10
General Fund	\$2,920,866	\$2,750,753	\$3,150,194
Court Appointed	653,121	653,121	751,480
Federal Grant	47,780	48,001	47,351
TOTAL	\$3,621,767	\$3,451,875	\$3,949,025

Public Defender Service Corporation (PDSC) relies solely on the General Fund for its operation. In FY10, appropriation increased by \$399,441 (15%). In FY09, legislative appropriation decreased by 6% from FY08 appropriation level.

The Alternate Public Defender (APD), established as a separate division of the PDSC in 2004, receives funding from the Judiciary of Guam Indigent Defense Fund. FY10 funding increased by \$98,359 (15%) over FY09.

The Domestic Violence Program receives Stop VAW (Violence Against Women) funds from the Governor's Community Outreach—Federal Program Office.

CORRECTION: The pie charts illustrated in the FY09 CCR Report inadvertently transposed the Federal and General Fund appropriation amounts for FY08 and FY09. The correct appropriation amounts are depicted in the table above (FY10 CCR Report).

PDSC EXPENDITURES

EXPENDITURES	FY08	FY09	FY10
Salaries and Wages	\$2,272,363	\$2,558,162	\$2,539,382
Benefits	685,047	751,375	805,563
Off-Island Travel/Mileage Reimbursement	29,898	6,054	11,405
Contractual	52,145	49,471	71,796
Building rent	196,896	244,896	262,763
Supplies	18,698	19,791	22,652
Equipment < \$5,000	44,257	9,034	25,587
Communications	25,550	25,880	25,794
Miscellaneous	15,656	12,748	12,531
Capital Outlay >\$5,000	0	0	20,419
TOTAL	\$3,340,510	\$3,677,411	\$3,797,892

In FY10, FY09 and FY08, 88%, 90% and 89% respectively, were spent on personnel costs. In FY10, 40 employees were paid from General Fund appropriations, nine (9) from Court (Indigent Defense Fund) and one (1) from Federal Grant funds.

Deloitte & Touche, independent auditor, conducted the FY10 Government of Guam Financial Audit which resulted in a clean opinion. For more information, please visit the Office of Public Accountability's website at <http://www.guamopa.org>.

WE'RE MOVING



At the time of this publication, the Public Defender Service Corporation has relocated to the MVP Sinajana Commercial Building in Sinajana.

FEEDBACK

We welcome any feedback you may have regarding this publication or any other feedback pertaining to our corporation. Please contact Bernadette S.N. Chargualaf at (671) 475-3100 or via email at bchargualaf@guampdsc.net.

CORPORATE RESPONSIBILITY

Overall, the organization continues to exercise frugality and sound, fiscal responsibility in carrying out its mission of providing quality legal representation to its indigent clients. The office of the Alternate Public Defender (APD), a subsidiary of the PDSC, remains in operation, and continues to mitigate the financial burden of indigent defense on our island. In its sixth year of operations, the APD retains a shared workload with the administrative staff of the PDSC (barring any potential conflicts of interest where clients are concerned), in order to keep spending levels in these areas to a minimum. In this manner, we are able to contain the costs of indigent defense at levels far below those of previous years, when they exceeded \$1,000,000 annually.

This agency is also a sub-grantee of the STOP Violence Against Women federal program administered by the Office of the Governor. Thus, federal funds ensure the presence of a Domestic Violence Program Specialist who assists attorneys in the provision of legal services to victims of family violence.

The bottom line remains the same. To work at the Public Defender's office takes "heart". One cannot otherwise understand and work with the clientele we serve---the less fortunate residents of Guam with limited resources. At the end of the day, the gratification we get is in the fact that we have made a difference in an individual's life.

Public Defender Service Corporation

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