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SUPREME COURT  
OF GUAM

**IN THE SUPREME COURT OF GUAM**

<p>6 <b>RE:</b></p> <p>7</p> <p>8 <b>AMENDMENT TO THE LOCAL</b></p> <p>9 <b>RULES OF THE SUPERIOR COURT</b></p> <p>10 <b>OF GUAM RE: APPOINTMENT OF</b></p> <p>11 <b>COUNSEL FOR INDIGENT</b></p> <p>12 <b>DEFENDANTS.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Supreme Court Case No. PRM 06-006</p> <p><b>PROMULGATION ORDER</b></p> <p><b>NO.: 06-006-03</b></p>
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Pursuant to the authority granted by 48 U.S.C. § 1424-1(a)(6), the Supreme Court upon the recommendation of the Subcommittee on Indigent Defense, hereby repeals and reenacts the Rules for Appointment of Counsel for Indigent Defendants, Miscellaneous Rule 1.1, of the Local Rules of the Superior Court of Guam.

Specific amendments are herein made to MR 1.1.3 to streamline the process for adding and removing attorneys from the Private Attorney Panel and to MR 1.1.5 to clarify compensation in juvenile delinquency cases and to provide compensation for juvenile special proceedings and for guardian ad litem services. In April of 2007, The Subcommittee on Indigent Defense sent these amendments to the membership of the Guam Bar Association for review and comment.

Miscellaneous Rule 1.1 is hereby repealed and reenacted as follows:

**MR 1.1. APPOINTMENT OF COUNSEL FOR  
FOR INDIGENT DEFENDANTS**

**NOTE:** These rules were adopted by the Judicial Council in 1981 and published as the Rules for Appointment of Counsel for Indigent Defendants in the Guam Bar Journal, RAINY SEASON - 1981, Volumes 3 & 4. On November 19, 2002, in Promulgation Order 02-009, the Supreme Court of Guam amended and revised these rules as Rule 13 of the Rules of the Superior Court of Guam. On May 3, 2007, in Promulgation Order 06-006-01, the Supreme Court re-codified this rule as MR 1.1 of the

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Miscellaneous Rules of the Local Rules of the Superior Court of Guam. Amendments to these rules are herein indicated.

**MR 1.1.1. Representation.**

**A. Mandatory.** The court shall appoint counsel for a person financially unable to obtain adequate representation who is:

1. charged with (a) a felony; (b) a misdemeanor; (c) a petty misdemeanor except those filed in Traffic Court (d) juvenile delinquency for the commission of an act which, if committed by an adult, would be considered a felony or misdemeanor; or, (e) a violation of probation or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of probation;

2. in custody as a material witness;

3. under arrest, when representation is required by law; or,

4. entitled to appointment of counsel under the Sixth Amendment to the United States Constitution, or facing loss of liberty and Guam law, the United States Constitution, or the applicable provisions of the Organic Act, require the appointment of counsel.

**B. Discretionary.** The court may appoint counsel for a person who is financially unable to obtain representation who is:

1. charged with civil or criminal contempt and facing loss of liberty;

2. seeking collateral relief from a judgment in a criminal matter; or,

3. a person whose rights under the United States Constitution (or the Organic Act) may be substantially infringed without the appointment of counsel.

**SOURCE:** Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002).

**MR 1.1.2. Determination of Need.**

**A. Determination.** Before the appointment of counsel under these Rules, the court shall inquire into, and make a finding, as to whether the person is financially able to obtain adequate representation. The court shall inquire as to the information requested in the Financial Declaration (a copy of which is attached hereto as **Appendix A**). All statements by the person in such inquiry shall be under penalty of perjury. All persons seeking counsel under these Rules shall submit the Financial Declaration to the court. The court may appoint counsel subject to the submission of the Financial Declaration. The court shall not appoint counsel unless a Financial Declaration is submitted.

**B. Need.** The court shall determine the person's ability to obtain adequate representation

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2 according to the financial guidelines then in effect established by the Public Defender Service  
3 Corporation.

4 **C. Redetermination.**

5 1. If, at any stage of the proceedings, the court determines pursuant to these Rules,  
6 that a party, who previously had not had counsel appointed, has become financially unable  
7 to obtain adequate representation, the court may then appoint counsel for that person.

8 2. If at any time after appointment under these Rules, counsel obtains information  
9 that the person is now financially able to make payment, in whole or in part, for legal or  
10 other services in connection with his or her representation, and the source of such  
11 information is not protected as a privileged communication, counsel shall so advise the  
12 court.

13 **SOURCE:** Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002).

14 **MR 1.1.3. MANNER OF APPOINTMENT.**

15 **A. Priority.** The Chief Justice and each Judge of the Superior Court shall appoint counsel  
16 in the order set forth below:

- 17 1. The Public Defender Service Corporation;
- 18 2. The Alternate Public Defender Office;
- 19 3. The Private Attorney Panel; and
- 20 4. Active members of the Guam Bar Association.

21 The Chief Justice or a Judge of the Superior Court may, appoint counsel in derogation of the  
22 order set forth above for good cause shown, such good cause to be entered on the record. The Chief  
23 Justice or a Judge of the Superior Court shall ordinarily appoint the same lawyer or law firms for  
24 the same client when said client has more than one pending matter.

25 More than one attorney may be appointed in any case determined by the Chief Justice or the  
26 Judge of the Superior Court assigned to the case to be extremely difficult, giving due consideration  
27 to the seriousness of the possible penalty and to the unique and complex nature of the litigation.

28 **B. Private Attorney Panel.**

**1. Formation of a Standing Committee to Oversee the Private Attorney Panel.**

a) The Supreme Court of Guam shall create a Standing Committee to  
oversee the Private Attorney Panel ("PAP"). The PAP attorneys approved at the time  
of this promulgation are identified in **Appendix B**. The Standing Committee shall

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2 consist of five (5) attorneys, each a voting member, who possess sufficient  
3 experience and interest in the local criminal justice system to administer the PAP.

4       **b)** The Public Defender of Guam, or his or her representative, will be a  
5 permanent voting member of the Standing Committee. The Clerks of the Superior  
6 and Supreme Courts of Guam, or their respective designees, and the Chairperson of  
7 the Judiciary's Subcommittee on Indigent Defense shall be ex officio, non-voting  
8 members of the Standing Committee.

9       **c)** In addition to the Public Defender, or his or her representative, two (2) of  
10 the members of the Standing Committee will be appointed by the Chief Justice for  
11 a one-year term and the remaining two (2) members for a two-year term. Thereafter,  
12 appointments will be made for two-year terms. The Standing Committee will be  
13 permitted to use the staff of the Clerks Office of the Supreme and Superior Court for  
14 clerical and record-keeping matters for respective trial and appellate matters.

15       **d)** The Standing Committee shall elect from its members who are private  
16 attorneys a chairperson, who shall preside over its meetings and serve as the liaison  
17 between the PAP, the Judiciary and the community.

18       **e)** The Standing Committee shall meet formally at least once per year. In  
19 addition to reviewing and determining PAP membership, the Standing Committee  
20 shall identify and define any operating difficulties encountered in the administration  
21 of the PAP and make recommendations to the Supreme Court for appropriate  
22 changes to this rule.

23       **f)** The Standing Committee shall also coordinate with the Public Defender  
24 Service Corporation of Guam in providing training for the PAP. Such training shall  
25 include correspondence with PAP attorneys on substantive and procedural changes  
26 in the law, local rules, and other matters affecting the PAP attorneys, and shall also  
27 include regularly scheduled seminars for PAP attorneys, and if possible, the private  
28 bar.

## **2. Formation of the Private Attorney Panel.**

29       **a)** Pursuant to the terms of this Rule, PAP attorneys shall be members of the  
30 Guam Bar Association. In addition to bar membership, the PAP attorneys should  
31 have when applicable, prior criminal trial experience, significant involvement in  
32 serious or complex criminal cases, knowledge of the Rules of Criminal Procedure  
33 and the bail statutes, knowledge of other relevant areas of criminal practice, clinical  
34 experience or participation in trial advocacy programs, prior juvenile, guardian ad  
35 litem, and or appellate experience.

36       **b)** The PAP shall consist of attorneys recommended and approved by a  
37 majority of the Standing Committee.

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2 c) An attorney who is interested in becoming a member of the PAP shall  
3 complete and submit the attached Private Attorney Panel Application (**Appendix C**).

4 d) The Standing Committee shall review each application, and determine  
5 whether the applicant possesses the qualifications required for the PAP, and if so,  
6 approve the application. If the applicant does not possess the necessary  
7 qualifications, the Standing Committee shall place the applicant on a pending  
8 applications list, which will include those attorneys requiring more training prior to  
9 being placed on the regular PAP list.

10 e) Each approved application shall be distributed to all Justices and Judges,  
11 who shall have 14 days to review and comment on the application. Those reviewing  
12 the application shall identify the individuals who should not be included on the PAP,  
13 and shall state the reason(s) for such recommendation. The reason(s) should be based  
14 on the following factors: (a) a perceived lack of competence or knowledge; (b) a  
15 perceived lack of interest and motivation; (c) a perceived lack of training; (d) an  
16 unwillingness to make the necessary commitment to the PAP; or (e) a lack of  
17 willingness to provide the quality of representation deemed necessary. The person  
18 making the recommendation should be as specific as possible concerning the  
19 reasons, with all such recommendations being confidential.

20 f) After the 14 day review period, whether or not comments or  
21 recommendations are received, each application shall be transmitted to the Chief  
22 Justice who shall review each application, comments and recommendations and  
23 approve or disapprove the application.

24 g) The final PAP shall consist of approximately 10 - 15 members in each of  
25 the following four (4) categories: Criminal (misdemeanor and felony), Juvenile,  
26 Guardian Ad Litem, and Appellate.

27 **h) Creation of a Pending Applications List.**

28 i) A "Pending Applications List" shall be established, consisting of  
lawyers who have applied for membership on the PAP and who do not yet  
possess sufficient skill, knowledge or experience to be on the PAP. Pending  
final approval of their applications, such attorneys shall receive training and  
shall serve, without compensation, in a second chair capacity to a PAP  
attorney on a given case, or aspects of a given case, including, but not limited  
to, bail hearings, sentencing proceedings, and appellate arguments.

ii) Each Clerk's Office and the Standing Committee shall maintain  
the pending applications list. PAP attorneys will be advised of the existence  
of such a list and will be expected to contact the appropriate Clerk's Office  
or a Standing Committee member to obtain the names of people seeking to  
serve in a second chair capacity. The Standing Committee shall then  
periodically review the pending applications list and make recommendations

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2 to the Supreme Court Justices or Superior Court Judges, whichever is  
3 applicable, as to which attorneys should be moved onto the regular PAP.

4 **3. Adding and Removing Attorneys from the Private Attorney Panel.**

5 **a) Additions.**

6 **i)** The Standing Committee shall monitor the operation of the PAP  
7 to determine whether it meets the needs of current case load requirements.  
8 Additions to the PAP shall be made through the approval of new applications  
9 and by moving attorneys from the pending applications list to the regular  
10 PAP. New applications shall be collected by each Clerk's Office and referred  
11 to the Standing Committee for periodic review.

12 **ii)** By majority vote, the Standing Committee shall decide which  
13 applicants need further training, thereby remaining on the pending  
14 applications list, and which ones are to be referred to the Supreme Court  
15 Justices or Superior Court Judges, whichever is applicable, for inclusion on  
16 the PAP. Final decisions on inclusion will be made by the Chief Justice.

17 **b) Suspensions.**

18 **i)** Attorneys who have been suspended or disbarred from a court of  
19 any state, territory, commonwealth or possession of the United States and  
20 who are the subject of reciprocal discipline pursuant to the Supreme Court  
21 of Guam Rules for the Discipline of Attorneys, or who are presented for  
22 discipline in the Supreme Court of Guam, shall be suspended from the list  
23 pending disposition of the ethics proceedings. If the attorney is counsel of  
24 record in a pending case, the trial Judge or the Chief Justice shall be notified  
25 by their respective Clerk's Office. If the attorney is suspended or disbarred,  
26 the attorney shall be removed from the PAP, and will be eligible to reapply  
27 only if he or she later becomes a member Guam Bar Association in good  
28 standing.

**c) Removals.**

**i)** Any complaints about the performance or commitment of a PAP  
attorney shall be referred to the Standing Committee. The Standing  
Committee shall also take notice of such deficiencies on its own and make  
recommendations to the Chief Justice for removal from the PAP. At the  
request of a Justice, Judge, Clerk of each court, or individual Standing  
Committee member, the Standing Committee shall review complaints about  
a PAP member. The receipt and handling of complaints will be confidential.

**ii)** The PAP attorney shall be notified of any complaint, and shall  
have the right to request a hearing before the Standing Committee. At the

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2 hearing, the attorney shall have all due process rights, including  
3 representation by counsel, the right to be informed of the nature of the  
4 complaint and the right to present testimony on his or her behalf. A  
5 recommendation for or against removal shall be by majority vote and  
6 forwarded to the Chief Justice for appropriate action. Removal of the  
7 attorney from the PAP shall be by the Chief Justice.

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9 **d) Resignations.**

10 **i)** Any member of the PAP who desires to voluntarily resign from the  
11 PAP, shall submit a written request to the Chief Justice setting forth reasons  
12 and justification for such resignation. The Chief Justice shall determine  
13 whether the resignation will have a detrimental effect on the ability of the  
14 court to appoint counsel before allowing the member to resign.

15 **ii)** Any member of the PAP who is subject to suspension or removal  
16 from the PAP pursuant to this rule shall not be permitted to request  
17 resignation from the PAP until the suspension or removal issue is decided.

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19 **4. Assignment of Cases to the Private Attorney Panel.**

20 **a)** The Chief Justice of the Supreme Court and the Judges of the Superior  
21 Court shall be responsible for overseeing the assignment of cases to PAP attorneys  
22 in the respective courts. Assignments shall be made on a rotational basis, except  
23 under circumstances where a Judge or Justice for good cause directs otherwise. PAP  
24 attorneys may refuse or "pass" an appointment when unavailable to assume the case  
25 due to scheduling conflicts, workload, or other good cause. Reasons for passing  
26 appointment shall be given to the Chief Justice of the Supreme Court or the Judge  
27 of the Superior Court overseeing the case, and passing may not be done more than  
28 three times during a calendar year. Upon an appointment, the PAP attorney shall  
immediately determine if a conflict of interest exists preventing representation and  
inform the court. No payment shall be made by the court for the determination of  
a conflict. PAP attorneys shall not charge the court for determining whether a  
conflict exists.

**b)** The respective Clerk's Offices of the Supreme Court and Superior Court  
and each respective courtroom clerk of the Superior Court shall maintain a master  
computer generated list of PAP appointments, which will include the date of each  
appointment, the case name, the date of each pass by a PAP attorney, and the reason  
for each pass.

**c)** If the Chief Justice of the Supreme Court or a Judge of the Superior Court  
determines that a PAP attorney has repeatedly passed assignments, the Chief Justice  
of the Supreme Court or a Judge of the Superior Court may refer the name of the  
attorney to the Standing Committee. The Standing Committee shall then consider the

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2 information provided by the Chief Justice of the Supreme Court or a Judge of the  
3 Superior Court and make such further inquiry or recommendation to the Chief  
4 Justice as it deems appropriate, including removal from the PAP.

5 d) Each of the respective Clerk's Offices of the Supreme Court and the  
6 Superior Court shall also maintain a public record of assignments to the Public  
7 Defender Service Corporation of Guam, Alternate Public Defender, the PAP, and  
8 active members of the Guam Bar Association as well as current statistical data  
9 reflecting the proration of appointments.

10 e) The Public Defender Service Corporation of Guam will make such  
11 arrangements with local investigative and police agencies as will adequately assure  
12 that at the earliest practicable stage, persons arrested under circumstances where  
13 representation is required by law may promptly have counsel furnished to them.

14 **5. Rotation of Appointments.** All appointments shall be made in an orderly  
15 manner to ensure fair distribution of appointments amongst PAP members. Appointments  
16 from the PAP shall, unless the Chief Justice or Judge for good cause determines otherwise,  
17 be in alphabetical order, but the next qualified attorney may be appointed when the court  
18 determines that:

- 19 a) there is a conflict of interest;
- 20 b) the attorney lacks sufficient experience in a serious felony matter;
- 21 c) the attorney is unavailable to promptly handle the matter; or
- 22 d) an immediate appointment of counsel is required.

23 **C. Records.**

24 1. The Clerk of the Supreme Court and Clerk of the Superior Court shall each  
25 maintain:

- 26 a) a master computer generated list of all attorneys on the Panel;
- 27 b). a master computer generated list for the public record of all appointments,  
28 including the numbers and types of cases as assigned to the various law firms and  
attorneys described in MR 1.1.3(A) and (B) above; and,
- c) current data on the status of invoices and payment for all court  
appointments.

2. The Public Defender and the Alternate Public Defender shall prepare monthly  
reports on court appointments and submit such reports to the Administrator of the Courts.

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2       **D.** Counsel appointed under these Rules shall, unless excused by order of the court, continue  
3 to act for the person throughout the proceedings in this court. Appointed counsel is expected to  
4 appear personally at all proceedings, with substitutions or the filing of additional appearance  
5 permitted only with leave of the court. The judge before whom a case is pending may, in the interest  
6 of justice substitute one appointed counsel for another at any stage of the proceedings.

7       In all criminal cases, counsel shall advise the defendant of the right to appeal and of the right  
8 to counsel on appeal. If requested to do so by the defendant in a criminal case, counsel shall file a  
9 timely Notice of Appeal, and shall continue to represent the defendant, until the matter, including  
10 appeals or review by certiorari, is closed; until substitute counsel has filed a notice of appearance;  
11 until an order has been entered allowing or requiring the person represented to proceed pro se; until  
12 the appointment is terminated by court order; or until the attorney is relieved by the court.

13       **SOURCE:** Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002), amended by PRM04-003 (Feb.  
14 27, 2004), repealed and reenacted by PRM05-004 (May 3, 2005). Rules 13.3 (C)(2), (3) & (4) and Rules 13.3 (D) and  
15 (E), amended and renumbered, respectively, by PRM04-004 (Mar. 9, 2004). MR 1.1.3. (A)(2), (B)(1)(a-b), (B)(2)(d-f),  
16 (B)(3)(a)(ii), (B)(3)(c), (B)(4)(d), (C)(2), and (B)(3)(d), amended and added, respectively, by PRM06-006-03 (Oct. 2,  
17 2007).

18       **MR 1.1.4. INVESTIGATIVE, EXPERT, INTERPRETATIVE AND PARALEGAL**  
19       **SERVICES.**

20       **A.** The court may authorize counsel appointed under these Rules to retain the services of  
21 investigators, experts and interpreters upon a showing that such services are necessary for adequate  
22 representation of the person. The hourly rate for investigators, experts and interpreters shall not be  
23 less than \$25.00.

24       **B.** Prior to retaining the services of investigators, experts or interpreters, counsel appointed  
25 under these Rules shall submit an application for approval of such services by the court. Failure to  
26 obtain approval prior to retaining such services may bar payment or reimbursement from the court  
27 for same, absent a finding by the court of sufficiently compelling circumstances.

28       **C.** Where counsel has received prior authorization for investigators, experts and interpreters,  
the maximum total shall not exceed \$1,500.00. Counsel appointed under these rules may apply to  
the Administrator of the Courts to exceed this maximum. Counsel must demonstrate extraordinary  
circumstances and good cause to justify an exception to the maximum. Approval of any amount in  
excess of the limit herein shall be approved by the Administrator of the Courts. The Superior Court  
Judge presiding over the case may provide input in this regard.

**D.** An investigator shall not be paid for time in court unless called as a witness in the case.

**E.** The total cost of all services obtained without prior authorization may not exceed a total  
of \$250.00 and expenses reasonably incurred.

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2 **F.** An attorney appointed under these rules may, in her discretion, use the services of a  
3 paralegal. A paralegal hired under these rules shall not be paid more than \$45.00 per hour and such  
4 services shall not be separately charged to the court.

5 **SOURCE:** Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002).

6 **MR 1.1.5. COMPENSATION.**

7 **A.** Unless otherwise provided for, the hourly rate for legal services by counsel appointed  
8 under these Rules shall be \$90.00 per hour for legal services rendered in and out of the courtroom,  
subject to the following maximums:

- 9 1. Not more than \$7,500.00 shall be paid for felonies.
- 10 2. Not more than \$2,500.00 shall be paid for misdemeanors.
- 11 3. Not more than \$2,500.00 shall be paid for juvenile delinquency cases.
- 12 4. Not more than \$2,500.00 shall be paid for each level of appeal in a particular case.
- 13 5. Not more than \$1,000.00 shall be paid for work performed in any given year for  
14 a period of up to five (5) years for attorneys appointed in juvenile special proceedings cases  
15 or appointed to provide guardian ad litem services. Notwithstanding the maximum  
16 compensation herein, the services of the appointed attorney may continue beyond the five  
(5) year period.

17 Counsel appointed under these rules may apply to the Administrator of the Courts to exceed  
18 these maximums. Counsel must demonstrate extraordinary circumstances and good cause to justify  
19 an exception to the maximums. Approval of any amount in excess of the limits herein shall be  
20 approved by the Administrator of the Courts. The Superior Court Judge presiding over the case may  
provide input in this regard.

21 **B.** No counsel appointed under these Rules may request or accept any payment, or promise  
of payment, for such representation unless such payment is approved by order of the court.

22 **C.** Application for payment by appointed counsel shall be submitted on the appropriate  
23 voucher form to the Clerks of the Superior Court and Supreme Court, whichever is applicable.  
24 Appointed counsel shall submit vouchers on a monthly basis. The Clerks for each court shall not  
25 approve payments unless vouchers are submitted as herein provided. The Administrator of the  
26 Courts shall have sixty (60) days to act on the submitted voucher. Failure to act within the sixty-day  
time period shall be deemed an approval of the submitted voucher.

27 **SOURCE:** Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002). Rule 13.5(A) and (C) repealed  
and reenacted by PRM04-003 (Feb. 27, 2004). Rule 13.5(A) and (C) amended by PRM05-004. MR 1.1.5(A)(5) added  
28 by Promulgation Order No. 06-006-03 (Oct. 2, 2007).

**APPENDIX "A"**  
**FINANCIAL DECLARATION**

IN SUPPORT OF REQUEST FOR LEGAL COUNSEL WITHOUT PAYMENT OF FEE  
IN THE UNITED STATES TERRITORY OF GUAM:  Family Court  Superior Court  Supreme Court

IN THE CASE OF: \_\_\_\_\_

vs. \_\_\_\_\_

PERSON REPRESENTED (show your full name): \_\_\_\_\_

DOCKET NUMBER

SOCIAL SECURITY NUMBER: \_\_\_\_\_

- 1  Defendant - Adult
- 2  Defendant - Juvenile
- 3  Appellant (if so, was counsel previously appointed for you  Yes  No)
- 4  Probation Violator
- 5  Habeas Petitioner
- 6  Other (specify)

CHARGE/OFFENSE (describe if applicable & check box): \_\_\_\_\_

- Felony
- Misdemeanor

**ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY**

Are you now employed?  Yes  No  Self Employed. Name and address of employer:  
IF YES, how much do you earn per month? \_\_\_\_\_

**EMPLOYMENT** IF NO, give month and year of last employment. \_\_\_\_\_ How much did you earn per month? \$ \_\_\_\_\_  
If married, is your spouse employed?  Yes  No IF YES, how much does your spouse earn per month? \$ \_\_\_\_\_  
If a minor under age 21, what is your parents' or guardian's approximate monthly income? \$ \_\_\_\_\_

Have you received within the past year any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, spousal support payments, or other sources?  Yes  No

**OTHER INCOME**

	RECEIVED	SOURCES
IF YES, GIVE THE AMOUNT \$ _____	_____	_____
RECEIVED & IDENTIFY \$ _____	_____	_____
THE SOURCES \$ _____	_____	_____

	AMOUNT	TYPE OF BENEFIT
Are you currently receiving welfare benefits of any kind? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, give the amount per month and describe the benefit.	\$ _____	_____

**CASH** Have you any cash on hand or money in savings or checking accounts?  Yes  No IF YES, state total amount \$ \_\_\_\_\_

**PROPERTY** Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?  Yes  No

	VALUE	DESCRIPTION
IF YES, GIVE VALUE AND DESCRIBE \$ _____	_____	_____
_____	_____	_____
_____	_____	_____

**DEPENDENTS** MARITAL STATUS Total No. of List persons you actually support and your relationship to them.

Single Dependents: \_\_\_\_\_

Married ( ) \_\_\_\_\_

Widowed \_\_\_\_\_

Separated or Divorced \_\_\_\_\_

	APARTMENT OR HOME	Creditors (List all creditors including banks, loan companies, charge accounts, etc.)	Total Debts	Monthly Payments
<b>DEBTS &amp; MONTHLY BILLS</b>	_____	_____	\$ _____	\$ _____
	_____	_____	\$ _____	\$ _____
	_____	_____	\$ _____	\$ _____

I declare under penalty of perjury, the foregoing is true and correct. In addition, by my signature below, I hereby agree to make available to the courts of Gam any and all documents within my possession, or within the possession for the Department of Revenue and Taxation, relating to my financial status.

**SIGNATURE OF DEFENDANT (or person to be represented):** \_\_\_\_\_

**WARNING:** A FALSE OR DISHONEST ANSWER TO A QUESTION IN THIS DECLARATION MAY BE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH. See Title 9, Guam Code Annotated, Sections 52.15 and 52.20.

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**APPENDIX "B"**  
**PRIVATE ATTORNEY PANEL**  
(As of the date of this Promulgation Order and subject to subsequent appointments and removals pursuant to these rules.)

**FELONIES AND MISDEMEANOR CASES**

Joaquin C. Arriola, Jr.	Jonathan R. Quan
Anthony R. Camacho	Naoko G. Shimizu
Jaime L. Canto II	Mark S. Smith
F. Randall Cunliffe	Sylvia L.G. Stake
Thomas J. Fisher	Samuel Teker
Mylene N.R. Lopez	John C. Terlaje
Rawlen M.T. Mantanona	Mark E. William
Douglas B. Moylan	Louie J. Yanza

**JUVENILES (JDS AND JSP AND OTHER SP'S)**

George M. Butler	Ross E. Putnum
Anthony R. Camacho	Naoko G. Shimizu
Jaime L. Canto II	Daniel Somerfleck
Cynthia V. Ecube	Carol A. Telford Butler
Thomas J. Fisher	John C. Terlaje
Guam Legal Services Corporation (GLSC)	Mark E. Williams
Douglas G. Moylan	Patrick M. Wolff
Harold F. Parker	

**GUARDIAN AD LITEM (Juvenile Cases Only)**

George M. Butler	Naoko G. Shimizu
Jaime L. Canto II	Daniel Somerfleck
Cynthia V. Ecube	Patrick M. Wolff
Guam Legal Services Corporation (GLSC)	Carol A. Telford Butler
Harold F. Parker	

**APPELLATE CASES**

Ladd A. Baumann	Vincent Leon Guerrero
Anthony R. Camacho	Peter C. Perez
Maria B. Cenzon-Duenas	Mark E. Williams
Thomas J. Fisher	

**APPENDIX "C"**  
**PRIVATE ATTORNEY PANEL APPLICATION**

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Name: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Address: (include firm name, if any) Telephone No.: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date of Bar Admissions:**

State/territorial courts (specify jurisdiction): \_\_\_\_\_

Have you ever served on a panel of this nature? \_\_\_\_\_ Yes \_\_\_\_\_ No  
(If yes, state where and when)

**QUESTIONS RELATING TO CRIMINAL COURT, JUVENILE AND GUARDIAN AD LITEM EXPERIENCE:**

Have you ever been employed as a Public Defender? \_\_\_\_\_ Yes \_\_\_\_\_ No  
(If yes, state where and when)

Have you ever worked as a prosecuting attorney? \_\_\_\_\_ Yes \_\_\_\_\_ No  
(If yes, state where and when)

Have you ever attended training programs focusing on criminal practice?  
Bail statutes 9 GCA Chapter 40: \_\_\_\_\_ Yes \_\_\_\_\_ No  
(If yes, state where and when)

Other: \_\_\_\_\_ Yes \_\_\_\_\_ No  
(If yes, state where, when & nature of seminar)

How Many Trials Have You Personally Conducted?  
\_\_\_\_\_ % Jury Trials \_\_\_\_\_ % Court Trials  
\_\_\_\_\_ % as Defense Attorney \_\_\_\_\_ % as Prosecutor  
\_\_\_\_\_ % Primarily Responsible \_\_\_\_\_ % Second-chaired

Please give range regarding lengths of these trials. \_\_\_\_\_  
How many guilty pleas have you handled? \_\_\_\_\_  
\_\_\_\_\_ % as Defense Attorney \_\_\_\_\_ % as Prosecutor

Please describe the types of cases you have handled.  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate your juvenile litigation experience by providing examples of your practice, type of case (JD, J.P., Guardian Ad Litem), fact finding involvement, length, etc.

Miscellaneous Information:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1 Please indicate your civil litigation experience by providing examples of your practice, types of cases, trial involvement, length, etc.

2 \_\_\_\_\_  
3 \_\_\_\_\_

3 Please explain any other relevant experience which explains why you would like to be on the PAP.

4 \_\_\_\_\_  
5 \_\_\_\_\_

6 **QUESTIONS RELATING TO APPELLATE EXPERIENCE:**

7 Please explain your appellate experience by providing the following information: Number of appellate briefs written to the Guam Supreme Court, District Court of Guam Appellate Division, Ninth Circuit Court of Appeals, U.S. Supreme Court or any other appellate courts.

8 \_\_\_\_\_  
9 \_\_\_\_\_

10 Please explain your appellate experience by providing the following information: Number of oral arguments you participated in before the Guam Supreme Court, District Court of Guam Appellate Division, Ninth Circuit Court of Appeals, U.S. Supreme Court or any other appellate courts.

11 \_\_\_\_\_  
12 \_\_\_\_\_

12 I have read the rule which governs the Private Attorney Panel. By making this application I am hereby agreeing to abide by the provisions as outlined in the rule.

13 Dated: \_\_\_\_\_

14 \_\_\_\_\_

Signature

15 Applications should be returned to either the Clerk of the Supreme or Superior Court, whichever is applicable.

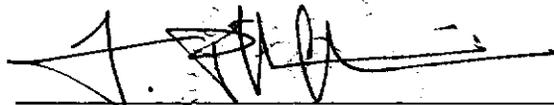
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17 SO ORDERED, this 2nd day of October, 2007.

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20 ROBERT J. TORRES, JR.  
21 Associate Justice

20 

21 KATHERINE A. MARAMAN  
22 Justice Pro Tempore

22  
23 

24 F. PHILIP CARBULLIDO  
25 Chief Justice