

BEFORE THE 2003 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC08-2003

RELATIVE TO AUTHORIZING THE ACTING
ADMINISTRATIVE DIRECTOR OF THE SUPERIOR COURT
OF GUAM TO PROCEED WITH A REQUEST FOR PROPOSAL
TO ARRANGE FOR A CREDIT FACILITY OF UP TO \$1,600,000.00
FOR INDIGENT COUNSEL DEFENSE

WHEREAS, an indigent defendant charged with a crime has a constitutional right to a court appointed attorney;

WHEREAS, in FY 2003 the Superior Court of Guam paid approximately \$1,576,689 for court appointed attorneys;

WHEREAS, there is an outstanding balance of approved vouchers for court appointed attorneys of approximately \$659,736.00 for prior fiscal years;

WHEREAS, the Guam Legislature appropriated the sum of \$700,000.00 for indigent counsel defense for FY 2004;

WHEREAS, for the last three fiscal years the Superior Court has paid an average of \$1,891,558.74 per year for court appointed attorneys;

WHEREAS, the sum of \$700,000.00 appropriated by the Guam Legislature for the payment of legal fees and expenses of indigent persons for FY 2004 is insufficient;

WHEREAS, the Guam Legislature has authorized the Chairman of the Judicial Council, on behalf of the Superior Court of Guam, to arrange for a line of credit not to exceed the aggregate principal amount of \$1,600,000.00 to assist in payment of legal fees and expenses of indigent persons in accordance with the Appointed Counsel Trust Fund.

NOW, THEREFORE, BE IT RESOLVED, the Judicial Council of Guam hereby authorizes the Acting Administrative Director of the Superior Court of Guam, in consultation with the Guam Economic Development and Commerce Authority, to proceed with the issuance of a Request For Proposal for the purpose of arranging with one or more bank(s) or commercial lending institution(s) a line of credit not to exceed the aggregate principal amount of One Million Six Hundred Thousand Dollars (\$1,600,000.00) for the payment of legal fees and expenses of indigent persons in accordance with the Appointed Counsel Trust Fund. The credit facility may be secured in accordance with the pertinent statutory provisions. The Acting Administrative Director shall report the results of the Request For Proposal and submit his recommendations to the Judicial Council which shall determine which proposal, if any, meets the needs of the Judiciary.

DULY ADOPTED BY THE JUDICIAL COUNCIL OF GUAM this 20th day of November, 2003.



CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Date: 12/1/03

ATTEST:



JULIE M. LUJAN-TORRES, Chief Justice

Date: 12/1/03