

September 14, 2015; Expand Public Defender Services

Last Thursday, I was privileged to attend a special luncheon celebrating the Public Defender Service Corporation's (PDSC) 40th anniversary. Attendees included a who's who of island dignitaries including Acting Governor Ray Tenorio, all three Guam Supreme Court justices, Federal Court Chief Justice Francis Tydingco-Gatewood, Superior Court judges Michael Bordallo, Vernon Perez, James Canto, and Referee Linda Ingles, and Senators Tony Ada, Mary Torres, BJ Cruz, and Tina Muna Barnes, herself a former legal secretary and investigator for Public Defender.

As an alumnus of Public Defender, having worked there from 1985 to 1988, I enjoyed visiting old friends, including current and former attorneys and staff members. All my old bosses were there, including Hank Parker, who was the director, his deputy (now director), Eric Miller, and Ray Topasna, the PDSC administrative director and team captain for the multitude of PDSC's winning sports teams.

The team spirit Ray developed through participation in intramural sports spilled over into the workplace. We were a tight team fighting for justice on behalf of the poor and underrepresented. I know that all current and former PDSC employees are rightfully proud of the service they rendered the citizens of Guam through their employment with this special agency. Few groups have had such a positive impact on lives and families.

The Thursday celebration was well deserved and appreciated by all Public Defender employees, past and present. Unfortunately, the observance was the exception rather than the rule. During its 40-year history, the Public Defender has seldom received the recognition it deserves. This is partially due to the fact that most of its clients are relatively powerless and poor.

Because Public Defender attorneys operate under the radar for the most part, there is a general lack of respect for them within the community. Their skills are greatly underestimated and underappreciated. Many of the attorneys currently working at PDSC are, without a doubt, among the most skilled criminal defense attorneys on the island, or any place else for that matter.

Over the course of its history, Public Defender has handled in excess of 90,000 cases. Since the 1990's, the primary emphasis has been on criminal law. However, this wasn't always the situation. When I was working there in the 1980s, in addition to criminal cases, we handled a broad variety of other matters including domestic, civil, immigration, bankruptcy, probate, and land claims. In fact, at that time criminal cases accounted for only about 50% of our workload.

More than just crime

As the number of crimes on the island steadily rose in the 1990s, Public Defender began to narrow its focus to criminal defense and eliminated most of the other practice areas. The once small agency now has 60 employees, including 14 attorneys.

Over the years, I've deeply lamented the fact that Public Defender no longer handles non-criminal cases. During my 20 years of private practice, I've met with countless individuals who desperately need legal assistance for domestic and civil matters but can't afford an attorney. Although many of us in private practice attempt to help these individuals when we can, the reality and expense of running a private business limits the number of people we can assist.

There is an old saying that a chain is only as strong as its weakest link. The same is true of our legal system. All too often, the weakest link in the administration of American justice is its failure to provide a full range of legal services for those with limited financial resources. I believe that something has to be done to address this situation on Guam.

During my conversation last Thursday with Public Defender director, Eric Miller, I was heartened to hear that he too has given this matter much thought and reached the same conclusion as me. He has plans to address this situation by seeking additional funding to allow Public Defender to again represent indigent clients for non-criminal matters. I hope our community and the Legislature will rally behind his efforts. There are too many people and families here who can't turn to our courts for help simply because they lack the financial resources.

Going forward, let us as a community give Public Defender the resources it needs to cast a wider net to ensure broad justice for all, not just for the wealthy.