

**12 GCA AUTONOMOUS AGENCIES**  
**CH. 11 GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT**

**CHAPTER 11**  
**GUAM PUBLIC DEFENDER SERVICE CORPORATION ACT**

**SOURCE:** GC §§ 60000-60013, entitled “Public Defender Service Corporation Act” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon its enactment pursuant to P.L. 13-051:2. Entire Chapter repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

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**§ 11101. Short Title.**

This Chapter may be cited as the “Public Defender Service Corporation Act of 2025.”

**SOURCE:** GC § 60000, entitled “Short Title” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11102. Definitions.**

- (a) “Attorney” means a person licensed to practice law in Guam.
- (b) “Child” or “minor” means a person less than eighteen (18) years of age on the date legal proceedings are first commenced against the person.
- (c) “Corporation” means Public Defender Service Corporation.
- (d) “Board” means the Board of Trustees of the Corporation.
- (e) “Division” means an organized structure within the Public Defender Service Corporation.
- (f) “Managing Attorney” means the head of each Public Defender Service Corporation division.
- (g) “Director” means the attorney appointed by the Public Defender Service Corporation Board to oversee all Public Defender Service Corporation divisions.

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

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

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

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

**SOURCE:** GC § 60001, entitled “Definitions” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11103. Establishment of the Public Defender Service Corporation.**

In order to provide effective public legal services to those persons in Guam, there is created a public corporation to be known as the Public Defender Service Corporation. The Public Defender Service Corporation is established as an entity within the government of Guam subject to the Supreme Court of Guam and I Liheslaturan Guåhan’s inherent, statutory, and Organic Act authority. The Corporation shall have authority to oversee, supervise, administer and budget for public legal services in Guam.

**SOURCE:** GC § 60002, entitled “Establishment” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11104. Corporation: Powers and Duties.**

The Corporation shall:

(a) Accept all appointments from the courts of Guam to provide indigent defense, and legal services, unless all divisions have a conflict of interest, or excessive workloads. It shall be the duty of the Corporation to defend indigent persons charged in criminal cases before the courts of Guam. The determination of whether a defendant is indigent and whether the case is to be referred to the Corporation shall be at the discretion of the judge before whom such defendant is appearing. The Corporation may assist the judges of the courts of Guam in ruling on cases of indigency and in establishing criteria for determining when the services of the Corporation are appropriate.

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

(c) Apply for, receive, distribute, and administer grants.

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

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

(2) Public Defender Division to provide public legal services to indigent persons in criminal and juvenile proceedings, including Petitions for Persons in Need of Services, appeals therefrom, and in writ proceedings involving the protection of constitutional rights, when those persons are entitled to public legal services in the Superior Court of Guam, unless the Public Defender Division has a conflict of interest, and other such duties as assigned by the Director.

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

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

(5) Private Attorney Panel Division to provide public legal services to indigent persons in criminal and juvenile cases, including Petitions for Persons in Need of Services, appeals therefrom, and in writ proceedings involving the protection of constitutional rights, when those persons are entitled to public legal services in the Superior and Supreme courts of Guam who cannot be represented by any other division due to a conflict of interest. Private Attorney Panel providers and support staff providing this representation shall not be employees of the Corporation. This division may include a panel of investigators appointed to assist Private Attorney Panel attorneys on a case by case basis. The Private Attorney Panel Division shall consist of attorneys qualified by Board Policy to receive appointments for the provision of public legal services when both the Public Defender Division and Alternate Public Defender divisions is unable to represent an indigent defendant due to a conflict of interest. Such private attorneys may be retained as independent contractors based upon possessing qualifications established by the Board and receiving a rate of One Hundred and Fifty Dollars (\$150) per hour, subject to case-type-based caps, until the Corporation develops and adopts alternative compensation policies, in consultation with the Guam Bar Association.

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

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

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

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

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

**SOURCE:** GC § 60003, entitled "Duties: Criminal Cases" as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6. Subsection (d)(5) amended by P.L. 38-060:XII:37 (Sept. 29, 2025).

**§ 11104.1. Public Defender Assistance in Connection with Recovery and Probate of Land Claims Awards.**

[Repealed.]

**SOURCE:** Added by P.L. 19-034:24:D (Dec. 19, 1988). Repealed by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11105. Board of Trustees: Appointments, Membership, and Terms.**

All powers vested in the Corporation, except as otherwise provided in this Chapter, shall be exercised by the Board of Trustees. The Board shall consist of seven members. At least four members shall be licensed to practice law in Guam.

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

(1) Two members by the Chief Justice of the Supreme Court of Guam, one of whom has experience in public administration, finance, and/or budgeting, and one of whom has experience in the field of social work.

(2) Two members by the I Maga'hågan/Maga'låhen Guåhan, both of whom must be lawyers;

(3) Two members by the Speaker of I Liheslaturan Guåhan, one of whom must be a lawyer and one who is a member of the general public;

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

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

(c) The term for a Board member shall be four years. Board members shall hold office until their successors are appointed and shall continue to exercise such duties until a successor is appointed. Board members shall not serve more than two successive full terms. The initial terms of the members shall be staggered: two members shall be appointed for a term of four years each, two members shall be appointed for a term of three years each, two members shall be appointed for a term of two years each, and one member shall be appointed for a term of one year. Initial appointments shall be for the following terms:

(1) The members appointed by the Chief Justice shall serve an initial term of four years.

(2) The lawyer members appointed by I Maga'håga/Maga'låhi shall serve an initial term of two years.

(3) The lawyer member appointed by the Speaker of I Liheslaturan Guåhan shall serve an initial term of three years.

(4) The non-lawyer member appointed by the Speaker of I Liheslaturan Guåhan shall serve an initial term of three years.

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

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

(e) The Board shall elect a chairperson and vice chairperson from its membership to serve a two-year term. A member shall not serve as chairperson and vice chairperson of the Board for more than two successive full terms.

**SOURCE:** GC § 60004, entitled “Duties: Civil Matters” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Amended by P.L. 36-019:2 (May 3, 2021). Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

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

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

- (1) significant experience in the legal representation of criminal, juvenile or civil cases; or
- (2) a demonstrated commitment to quality public legal services.

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

- (1) current justice, judge, judicial officer, Guam Bar Association Officer, or employee thereof;
- (2) current prosecutor, law enforcement official, or employee thereof;
- (3) current elected Senator, legal services provider or employee of the Corporation; or

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

(c) Lawyer members may be retired judicial officers, inactive attorneys, and retired attorneys who resigned in good standing.

**SOURCE:** GC § 60005, entitled “Powers” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Amended by P.L. 14-098:2 (Jan. 10, 1978) effective upon enactment and shall expire December 31, 1979 unless otherwise extended by law pursuant to P.L. 14-098:6. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

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

(a) No shall constitute a quorum at a meeting of the Board of Trustees. No less than four Board members must vote in favor for a motion to pass. Board meetings shall be open to the public and subject to the Open Government Law. Board meetings may be held virtually so long as there is opportunity for meaningful public participation and pursuant to Guam law.

(b) Board members shall receive a stipend of One Hundred (\$100) dollars per meeting, not to exceed Two Hundred (\$200) dollars in a month.

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

**SOURCE:** GC § 60006, entitled “Board of Trustees” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Subsection (a) amended by P.L. 27-104:3 (June 30, 2004). Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11108. Board of Trustees: Powers and Duties.**

The Board of Trustees shall:

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

(b) Establish a formal indigency determination standard to assess a person's eligibility to receive public legal services. The indigency determination shall be periodically reviewed so that the standard reflects the current state of Guam's economy. In establishing a formal indigency determination standard, the Board shall:

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

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

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

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

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

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

(f) Approve, modify, and/or disapprove budget requests from the Director and submit financial and budgetary requests and reports to the judiciary, I Liheslatura, and/or I Maga'håga/Maga'låhi as required by law.

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

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

(i) All powers vested in the Corporation, except as otherwise provided in the Chapter, shall be exercised by the Board.

**SOURCE:** GC § 60007, entitled "Director" as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SOURCE:** GC § 60008, entitled "Personnel" as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11110. Director: Appointment and Qualifications.**

The Board shall appoint a Director, who shall head and oversee the operation of all Corporation divisions.

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

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

(c) The Director shall not be removed by the Board during his/her term of appointment, absent for cause shown through due process.

(d) The Director shall be an unclassified position. If the Director is appointed from among the classified employees of the Government, upon the termination of the appointment as Director, the

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former Director may return to the classified position held previously as provided for in the personnel rules of the Corporation.

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

- (1) Licensed to practice law in Guam;
- (2) Five years of legal experience in public legal services in criminal or juvenile delinquency cases, at the trial or appellate level;
- (3) Commitment to ensuring effective public legal services to all indigent persons in Guam; and
- (4) Experience in management, or with the legislative process.

(f) The Director shall be full-time and devote their entire time during ordinary business hours to their duties. The Director shall neither directly nor indirectly engage in the private practice of law, except for *pro bono* work.

**SOURCE:** GC § 60009, entitled "Employment" as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Subsection (c) added by P.L. 32-181:VII:II:4 (Sept. 5, 2014). Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11111. Director: Powers and Duties.**

The Director shall have the sole responsibility to carry out the purposes and duties of the Corporation and ensure that each division fulfills its statutory duty, including but not limited to:

- (a) Appointing a Deputy Director, and fix his/her duties, under and in accordance with 4 GCA, as may be necessary for the purposes of this Chapter.
- (b) Appointing the managing attorney of each Corporation division, when necessary.
- (c) Hiring the necessary attorney, professional, technical, and support staff for each division to accomplish the division's statutory duties.
- (d) Determining and implementing the method for delivering public legal services by utilizing government-employed public defenders and private attorneys.
- (e) Requiring and receiving monthly financial reporting from each division, including assets, liabilities, receipts, and expenditures.
- (f) Collecting and analyzing data from all divisions.
- (g) Requesting proposed budgets from each division, to propose a comprehensive budget for each division to the Board of Trustees.
- (h) Proposing budgets and policies to the Board of Trustees.
- (i) Distributing legislative appropriations to each division.
- (j) Assisting the Board in developing standards.
- (k) Investigating, auditing, and reviewing the operation of all public legal services to ensure compliance with the Board of Trustees' standards, rules, and procedures.
- (l) Identifying and implementing a system of performance metrics to assess compliance with Board standards.
- (m) Establishing procedures for clients, judges, and prosecutors to communicate concerns and/or needs regarding the provision of public legal services, and procedures for the Corporation to respond.

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

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

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

**SOURCE:** GC § 60010, entitled “Attorneys” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11112. Personnel and Employment.**

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

(b) Employees of the Corporation shall be in the classified service unless otherwise authorized by law. Employees of the Corporation shall be members of the Government of Guam Retirement Fund, subject to the provisions of 4 GCA § 8105, except that for the purposes of Subsection (a) of said Section, the employees of the Corporation shall not be considered employees of a “public corporation,” whereby their membership in the Fund is optional and membership therein must be specifically requested. The Corporation shall contribute to the Government of Guam Retirement Fund on the basis of annual billings, as determined by the Board of Trustees of the Government of Guam Retirement Fund, for the government share of the cost of the retirement benefits applicable to the Corporation’s employees and their beneficiaries. The Corporation shall also contribute to the Workmen’s Compensation Fund, on the basis of annual billings, as determined by the Workmen’s Compensation Commission, for the benefit payments made from such Fund on account of the Corporation’s employees.

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

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

**SOURCE:** GC § 60011, entitled “Employees” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**NOTE:** See 7 GCA Chapter 9 and 9A for the latest law on the practice of law by attorneys working for the Government of Guam.

**§ 11113. Additional Authority.**

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

**SOURCE:** GC § 60012, entitled “Fiscal Authority Accounting; Expenditures” as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11113.1. Lapses.**

[Repealed.]

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**SOURCE:** Added by P.L. 25-176:14 (Dec. 20, 2000). Repealed by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11114. Data Collection.**

The Corporation shall, at a minimum, collect and regularly review data related to:

(a) Public legal services providers' workloads that detail the number of cases, by case type, open at the start of the month; newly opened cases during the month; closed cases during the month; and open cases at the end of the month. Data shall be provided for each division as a whole and for each attorney providing representation within a division;

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

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

(d) Major case events;

(e) Case outcomes;

(f) Monetary expenditures;

(g) Clients' race, ethnicity and gender;

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

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

**SOURCE:** GC § 60013, entitled "Transfer of Property" as enacted by P.L. 13-051:1 (July 10, 1975) effective 30 days upon enactment pursuant to P.L. 13-051:2. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**§ 11115. Federal Landtakings: Legal Aid and Assistance.**

Notwithstanding the provisions of § 11104(b) of this Title, the Public Defender Service Corporation shall assist and represent in court or otherwise persons who have apparently valid claims under § 204 (relating to federal landtakings) of the Territorial Omnibus 7 Act of 1977 (H.R. 6550). The Corporation shall render legal aid and assistance to any person who qualifies under the following guidelines:

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

(b) A family or individual who is receiving welfare benefits; or

(c) The Judiciary of Guam shall continue to provide funding for legal services rendered by the Private Attorney Panel and other related expenses incurred before October 1, 2025, provided such services are billed no later than December 31, 2025.

**SOURCE:** GC § 60014, as added by P.L. 14-098:1 (Jan. 10, 1978) effective upon enactment and shall expire December, 31, 1979 unless otherwise extended by law pursuant to P.L. 14-098:6. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6. Subsection (c) amended by P.L. 38-060:XII:38 (Sept. 29, 2025).

**2025 NOTE:** P.L. 38-048:2 repealed and reenacted § 11115, entitled "Funding." Renumbered to § 11117 by the Compiler pursuant to the authority of 1 GCA § 1606.

**§ 11116. Federal Landtakings: No Charge for Costs and Services.**

The Public Defender Service Corporation shall not charge claimants for its general costs or services or require a claimant to repay any filing fees or other court related fees incurred in the representation of the claimant. The Corporation may require assistance from any department or agency of the government of Guam in fulfilling its responsibility pursuant to this Chapter.

**SOURCE:** GC § 60015, as added by P.L. 14-098:1 (Jan. 10, 1978) effective upon enactment and shall expire December, 31, 1979 unless otherwise extended by law pursuant to P.L. 14-098:6. Repealed and reenacted by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

**2025 NOTE:** P.L. 38-048:2 repealed and reenacted § 11116, entitled “Annual Report.” Renumbered to § 11118 by the Compiler pursuant to the authority of 1 GCA § 1606..

**§ 11117. Funding.**

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

(a) There is hereby established a fund to be known as the “Public Defender Service Corporation Fund,” which shall be maintained by the Administration Division separate and apart from other funds of the Government, and independent records and accounts shall be maintained in connection therewith. Every quarter, the financial statement of the Public Defender Service Corporation Fund shall be furnished to I Liheslaturan Guåhan.

(b) All moneys received by the Corporation, from whatever source derived, including local appropriation or grant, federal appropriation or grant, shall be deposited in the Public Defender Service Corporation Fund. The Corporation shall be allowed to carry over all lapses from fiscal year to fiscal year, notwithstanding any other provision of law, or administrative provision in public laws setting forth each fiscal year’s budget. This provision shall remain in effect in all budgets hereafter, unless specifically amended or repealed by subsequent legislation.

(c) The Judiciary of Guam shall continue to provide annual funding to the Public Defender Service Corporation from the Judicial Client Service Fund as cited in § 9602 of Chapter 9.6, Title 7, Guam Code Annotated (Public Law 27-055).

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

(e) The Corporation shall adopt and maintain a uniform system of accounting.

**SOURCE:** Added as § 11115 by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6 and renumbered to § 11117 by the Compiler pursuant to the authority of 1 GCA § 1606.

**§ 11118. Annual Report.**

The Corporation shall submit an annual report, which shall be public, to I Maga’håga/Maga’låhi, I Liheslatura, and the Supreme Court of Guam. The annual report must include, but not be limited to, data on operations, itemized expenditures and revenues, and compliance with the Corporation’s standards. All annual reports must be posted on the Corporation's website.

**SOURCE:** Added as § 11116 by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6 and renumbered to § 11118 by the Compiler pursuant to the authority of 1 GCA § 1606.

**§ 11119. Continuity of Operations.**

The Public Defender Service Corporation re-enacted herein shall be the successor to the Public Defender Service Corporation. All employees of the Public Defender Service Corporation, including the Alternate Public Defender and the Civil Law Center, shall be transferred to the Public Defender Service

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Corporation. Wherever Guam law, rule or regulation refers to the Public Defender Service Corporation, such references shall remain applicable to the re-enacted Public Defender Service Corporation.

**SOURCE:** Added by P.L. 38-048:2 (Aug. 18, 2025) effective October 1, 2025 pursuant to P.L. 38-048:6.

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