



JUDICIARY OF GUAM

Administrative Office of the Courts
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F. PHILIP CARBULLIDO
Chief Justice

PERRY C. TAITANO
Administrator of the Courts

MARIA T. CENZON
Policy Planning & Community Relations

March 11, 2011

VIA E-MAIL ONLY: ecubelaw@guam.net

Guam Bar Association Board of Directors
c/o Cynthia Ecube, President
Guam Bar Association
Supreme Court of Guam
Suite 300, 120 West O'Brien Drive
Hagåtña, Guam 96910-5174

Re: Proposed Interim Increase of Fines and Fees Pending Review

Dear Board of Directors:

The Judicial Council, after consultation with the Comptroller for the Judiciary and the Administrator of the Courts, has found it to be in the best interests of justice to increase all fees and non-statutorily-set fines for the reasons stated herein. In considering this proposal, the Judicial Council considered the following factors: (1) the Superior Court fees have not been adjusted since 2003, the Traffic Violation Bureau fines have not been raised since 1995, and the fines and fees have therefore not kept up with the rate of inflation; and, (2) the Legislature has expressed a desire that services to indigent defendants will be paid out of all increases in fines, fees or any revenue collected by the Courts of Guam in 7 GCA § 9601.1

As of February 25, 2011, the Judiciary owes a total of \$348,521.79 to counsel for services rendered for indigent defense. Because of a deficit in funding for indigent counsel, the Judiciary is currently behind \$391,740.55 in all services to indigent defendants, including services for court-appointed experts. Additionally, though the percentage of allotments the Judiciary should have received in the Client Services Fund by February 5, 2011, the sum of \$500,000.00, but only \$262,456.00 has been received. This is only fifty-two percent (52%) of our planned allotments for services to indigent defendants. Because the Legislature has identified all fines and fees as the source for paying indigent counsel, it has become necessary to immediately augment this funding source.

The current proposal is to increase fines and fees by 50% in the first year, to be **effective on April 1, 2011**. Subsequent increases are contemplated for later years. All

1 § 9601. Fund Sources. All increase in fees, fines or revenues approved by the Supreme Court of Guam or the Judicial Council and collected by the Courts of Guam, which are over and above the fee schedules in existence as of September 12, 2002, for the filing of documents, or imposition of fines, except as otherwise mandated by 7 GCA Chapter 5, Article 3 and 9 GCA Chapter 86, relative to the Territorial Law Library and the Criminal Injuries Compensation, respectively, shall be deposited into the Judicial Client Services Fund.

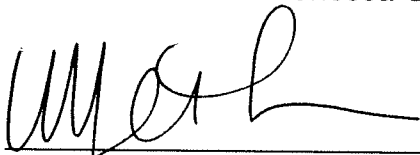
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sums collected from the proposed increases will be deposited in the Judicial Client Services Trust Fund to pay indigent counsel costs. The measure is interim in nature because the Judicial Council recommended that the Clerk of Court present data showing how the increases compare with like jurisdictions, and also requested the Clerk of Court to support the increases with a cost of services analysis. The Interim Increase of Fines and Fees will expire on September 30, 2011, if the Judicial Council does not act to make the Increases permanent.

The Supreme Court will accept written comment on the proposed Rule for twenty-three (23) days. Comments may be sent no later than Wednesday, March 30, 2011, to hgutierrezarroyo@guamsupremecourt.com or to the following address:

Supreme Court of Guam
Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910

All comments will be considered at a duly noticed meeting of the Judicial Council to be held on **Thursday, March 31, 2011**, at noon in the Justice Monessa G. Lujan Appellate Courtroom, Guam Judicial Center.



MARIA T. CENZON
Director, Policy, Planning and
Community Relations

cc: Perry C. Taitano, AOC
Senator Adolpho B. Palacios, Chairperson, Committee on Public Safety, Law
Enforcement and Judiciary
Members, Judicial Council of Guam
Bruce A. Bradley, GBA Executive Director