



IN THE SUPREME COURT OF GUAM

RE:) Supreme Court Case No. PRM06-006
AMENDMENTS TO)
MISCELLANEOUS RULE 1.1.3 OF)
THE LOCAL RULES OF THE) **PROMULGATION ORDER NO. 06-006-25**
SUPERIOR COURT OF GUAM)
(INDIGENT DEFENSE RULE))

The Supreme Court, under its Organic Act authority to “make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam,” 48 U.S.C. 5 1424-1(a)(6), hereby **SUSPENDS** the provision set forth in Miscellaneous Rule 1.1.3(a)(3) of the Local Rules of the Superior Court, relative to the manner of appointment of counsel for indigent clients for criminal felony and criminal misdemeanor cases. Because of the dwindling number of attorneys who are members of the Private Attorney Panel for indigent representation on the Felony and Misdemeanor Panels, and the strain this is causing for the remaining members, the court will suspend all appointments from the Private Attorney Panel membership for all criminal cases for a period of six months. This suspension shall not apply to juvenile and appellate case appointments. Additionally, the court **AMENDS** Rule 1.1.3(a)(4), relative to the active Guam Bar Association membership from which judicial officers may appoint.

M.R. 1.1.3(a), effective as of the date of this this order (amended language underlined), states:

MR 1.1.3. MANNER OF APPOINTMENT.

(a) Priority. The Chief Justice and each Judge of the Superior Court shall appoint counsel in the order set forth below:

- (1) The Public Defender Service Corporation;
- (2) The Alternate Public Defender Office;
- (3) [SUSPENDED]; and
- (4) Active members of the Guam Bar Association, from a membership list as approved by the Supreme Court.



1 The Chief Justice or a Judge of the Superior Court may, appoint counsel in
2 derogation of the order set forth above for good cause shown, such good cause to be entered
3 on the record. The Chief Justice or a Judge of the Superior Court shall ordinarily appoint
4 the same lawyer or law firms for the same client when said client has more than one
5 pending matter. More than one attorney may be appointed in any case determined by the
6 Chief Justice or the Judge of the Superior Court assigned to the case to be extremely
7 difficult, giving due consideration to the seriousness of the possible penalty and to the
8 unique and complex nature of the litigation.

9 M.R. 1.1.3(a).

10 Unless extended by the court, the suspension of PAP appointments in felony and
11 misdemeanor cases shall be lifted six months from the date of this order.
12

13 **SO ORDERED** this 17th day of November, 2023.

14 /s/
15 **F. PHILIP CARBULLIDO**
16 **Associate Justice**

14 /s/
15 **KATHERINE A. MARAMAN**
16 **Associate Justice**

17 /s/
18 **ROBERT J. TORRES**
19 **Chief Justice**