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SUPERIOR COURT
OF GUAM

IN THE SUPERIOR COURT OF GUAM

7	PEOPLE OF GUAM,)	CRIMINAL CASE NO. CF0334-23-01
8)	GPD REPORT NO. 23-10760
9	vs.)	
10)	DECISION AND ORDER
11	THERESA MARIE AFLLEJE BLAS,)	RE. THE OAG'S MOTION TO
12	DOB: 07/08/1971)	DISQUALIFY DEFENSE COUNSEL
13	Defendant.)	

INTRODUCTION

This matter is before the Honorable Maria T. Cenzone upon the Office of the Attorney General's ("OAG") Motion to Disqualify Defense Counsel (the "Motion") filed on July 5, 2024. Representing Defendant Theresa Marie Afleje Blas ("Defendant") is Attorney Thomas J. Fisher (hereinafter "Attorney Fisher" or "Fisher"). Assistant Attorney General JoAnna P. Deering filed the Motion on behalf of the OAG. The Court took the Motion under advisement without oral argument pursuant to Supreme Court of Guam Administrative Rule 06-001 and CVR 7.1(e)(6)(E) of the Local Rules of the Superior Court of Guam.

After reviewing the OAG's Motion, the Defendant's Opposition, and the applicable statutes and caselaw, the Court now issues the following Decision and Order **DENYING** the Motion to Disqualify Defense Counsel.

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1 **PROCEDURAL AND FACTUAL BACKGROUND**

2 On May 19, 2023, a grand jury indicted Defendant of the following charges: Promoting
3 Major Prison Contraband (As a Second Degree Felony) and Promoting of Prison Contraband (As
4 a Misdemeanor). Indictment (May 19, 2023). Before Defendant’s arraignment on September 6,
5 2023, several motions for withdrawal of representation were lodged until Attorney Fisher’s
6 appointment on August 25, 2023. See Order Granting Motion to Withdraw as Appointed Counsel
7 (Aug. 25, 2023); see also Ntc. of Court Appointed Counsel (Aug. 25, 2023). At her arraignment,
8 the Defendant appeared with Attorney Fisher before the Honorable Benjamin S. Sison and
9 asserted her speedy trial rights under 8 GCA § 80.60 and continues to assert her speedy trial
10 rights.¹

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13 On November 3, 2023, the Defendant filed a Motion to Disqualify a Prosecutor, and the
14 OAG timely opposed the motion on November 17, 2023. On April 3, 2024, the Court issued its
15 Decision and Order granting Defendant’s Motion to Disqualify a Prosecutor. The OAG filed
16 subsequent Motions for Leave of Court to file a Motion to Disqualify Defense Counsel on April
17 5, 2024, and to file a Motion for Reconsideration on April 8, 2024. The Defendant timely filed
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22 ¹ During the first Pre-Trial Conference in this asserted case on October 17, 2023, defense counsel raised an oral
23 objection to Mr. McDonald serving as a Special Assistant Attorney General, but agreed that Defendant’s speedy trial
24 clock was tolled during the pendency of Defendant’s Motion. *Pre-Trial Conference – Asserted* at 11:16:52 AM to
25 11:21:07 AM. The Court issued its Decision and Order Re. Def’s Mot. to Disqualify a Prosecutor on April 3, 2024,
26 and on the same day issued its Amended Criminal Trial Scheduling Order [Asserted] scheduling trial for April 17,
27 2024. On April 9, 2024, during the second pre-trial conference in this asserted matter, the Court addressed the OAG’s
28 filing of its Motion for Leave of Court Allowing Plaintiff to File Motion to Disqualify Defense Counsel on April 5,
2024. During that hearing, the Court found that the filing of the OAG’s Motion to Disqualify Defense Counsel was
based upon an alleged conflict of interest that purportedly prevented Defense Counsel from serving as Defendant’s
court-appointed attorney. The Court found that because Defendant is entitled under the Constitution of the United
States and the laws of Guam to conflict-free counsel, that the Court had a duty to address the Motion and found that
the pendency of the OAG’s Motions again tolled the speedy trial clock; the defense counsel agreed. *Pre-Trial
Conference -Asserted* on April 9, 2024, at 11:30:25 AM to 11:31:12 AM (Apr. 9, 2024).

1 her Oppositions to the Motion for Leave of Court to file a Motion for Reconsideration on April
2 16, 2024, and to the Motion to Disqualify Defense Counsel on May 3, 2024.²

3 The Court granted the Motions for Leave of Court on June 19, 2024, and ordered a briefing
4 schedule for the parties to submit their motions. *See* Decision and Order Granting Motion for
5 Leave of Court (Jun. 19, 2024). The OAG contemporaneously filed their Motion for
6 Reconsideration to Disqualify a Prosecutor and Motion to Disqualify Defense Counsel on July 5,
7 2024. The Defendant filed an Opposition to the Motion on July 19, 2024.

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10 **LAW**

11 **A. *Barrett-Anderson v. Camacho* Establishes The Proper Test for Attorney
12 Disqualification Under The Guam Rules of Professional Conduct**

13 The Court reiterates the proper test for attorney disqualification in this jurisdiction as set
14 forth in its April 2, 2024 Decision and Order Re. Defendant’s Motion to Disqualify a Prosecutor.
15 The Guam Supreme Court has declared that “[t]he proper test for attorney disqualification in
16 Guam is whether an attorney’s continued representation or participation in a matter violates or
17 significantly risks violating the Guam Rules of Professional Conduct.” *Barrett-Anderson v.*
18 *Camacho*, 2018 Guam 20.

19 Prior to *Barrett-Anderson* and the adoption of the 2003 Guam Rules of Professional
20 Conduct, the standard in attorney disqualification was the “appearance of impropriety” measure
21 articulated in *People v. Tennessen*, 2009 Guam 3. There, the Supreme Court disqualified the entire
22 Attorney General’s office in a criminal prosecution “when a personally-conflicted Attorney
23 General breached a previously-imposed conflict wall.” *Barrett-Anderson* at ¶ 16. Since
24 *Tennessen*, Guam adopted the 2003 Guam Rules of Professional Conduct, thereby eliminating the
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² The Court incorporates the Procedural and Factual Background as set forth in its Decision and Order Re. the OAG’s Motion for Reconsideration of Decision and Order Disqualifying a Prosecutor filed concurrently herewith.

1 “appearance of impropriety” standard in favor of establishing one requiring a showing of a
2 violation of or significant risk of violating the Rules of Professional Conduct before disqualifying
3 the attorney.³ It is, however, noteworthy that despite overruling *Tennessee*, the Gaum Supreme
4 Court declared that its decision therein is not inconsistent with *Barrett-Anderson* “as it is a
5 disqualification case concerning personal conflicts in *criminal cases*.” *Id.* (emphasis added).
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7 **B. Rule 1.7 of the Guam Rules of Professional Conduct requires the OAG to show that**
8 **Attorney Fisher’s appointment results in a “significant” risk of violating the Rules**
9 **of Professional Conduct.**

10 Rule 1.7 of the Guam Rule of Professional Conduct (GRP) provides, as follows:

11 **Rule 1.7: Conflict of Interest: Current Clients.**

12 (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the
13 representation involves a concurrent conflict of interest. A concurrent conflict of
14 interest exists if:

15 (1) the representation of one client will be directly adverse to another client;
16 or

17 (2) there is a significant risk that the representation of one or more clients
18 will be materially limited by the lawyer's responsibilities to another client, a former
19 client or a third person or by a personal interest of the lawyer.

20 (b) Notwithstanding the existence of a concurrent conflict of interest under
21 paragraph (a), a lawyer may represent a client if:

22 (1) the lawyer reasonably believes that the lawyer will be able to provide
23 competent and diligent representation to each affected client;

24 (2) the representation is not prohibited by law;

25 (3) the representation does not involve the assertion of a claim by one client
26 against another client represented by the lawyer in the same litigation or other
27 proceeding before a tribunal; and

28 (4) each affected client gives informed consent, confirmed in writing.

The Court is not aware of any subsequent Guam Supreme Court case addressing attorney
disqualification under Rule 1.7 since *Barrett-Anderson*, *See Dec. and Order* (Apr. 2, 2024) at p.

³ *Barrett-Anderson* at 1118 (“[W]e find that the “appearance of impropriety” standard ceased to be the standard for attorney disqualification after the 2003 adoption of the Guam Rules of Professional Conduct for criminal actions filed after the rules’ effective date and for all subsequent attorney conduct in pending civil cases).

1 7, nor have the parties cited to any Guam authority following *Barrett-Anderson* in the context of
2 a criminal case. Consequently, the Court’s analysis begins with *Barrett-Anderson*. See *Dec. and*
3 *Order* (Apr. 2, 2024) at p. 7.

4
5 *Barrett-Anderson* requires a showing of more than “an appearance of impropriety” to
6 justify the disqualification of an attorney. However, the Guam Supreme Court did not wholly
7 reject a Court’s consideration of the “appearance of impropriety” in considering attorney
8 disqualification, but merely requires that before finding disqualification is warranted, the
9 appearance of impropriety must be coupled with an additional showing “that the attorney’s
10 representation risks violating the Rules of Professional Conduct.” *Barrett-Anderson* at ¶ 17.
11 (quoting *Bergeron v. Mackler*, 623 A.2d 489, 493 (Conn. 1993) (“Although *considering* the
12 appearance of impropriety may be part of the inherent power of the court to regulate the conduct
13 of attorneys, it will not stand alone to disqualify an attorney in the absence of any indication that
14 the attorney's representation risks violating the Rules of Professional Conduct.”) (emphasis
15 added)).

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18 Moreover, in determining whether “there is a significant risk that the representation of one
19 or more clients will be materially limited by the lawyer's responsibilities to another client, a
20 former client or a third person or by a personal interest of the lawyer” under Rule 1.7, the
21 “significant risk” does not allow for disqualification for a potential conflict, but for “inevitable
22 and material conflicts.” *Id.* (citing *Bottoms v. Stapleton*, 706 N.W.2d 411, 417 (Iowa 2005)). In
23 considering the appropriate formula, the Court considers the analysis by the Iowa Supreme Court
24 in *Bottoms*, which reasoning was adopted by the Guam Supreme Court in *Barrett-Anderson*.

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26 Although *Bottoms*, like *Barrett-Anderson*, does not involve a criminal proceeding, the
27 principles are articulated clearly therein and Iowa Rule of Professional Conduct 32:1.7 mirrors
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1 Guam's Rule 1.7 in all applicable respects.⁴ Consequently, the Court finds its analysis in
2 determining whether there exists a disqualifying conflict both persuasive and appropriate. The

3 Iowa Supreme Court reasoned as follows:

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5 The question to be answered under rule 32:1.7(a)(2) is whether there is "a significant
6 risk" that counsel's representation of one client "will be materially limited by [his
7 or her] responsibilities to another client." See *id. r.* 32:1.7(a)(2). Although related
8 to the old "appearance of impropriety" test, the modern approach focuses on the
9 degree of risk that a lawyer will be unable to fulfill his or her duties to both clients.
10 See generally *1 The Law of Lawyering* § 10.4, at § 10-12 to 10-13 (noting the old
11 standard was "too vague and subjective" and was dropped from the ABA Model
12 Rules of Professional Conduct).

13
14 A comment to rule 32:1.7 sheds light on when a conflict of interest will materially
15 limit an attorney in the performance of the attorney's responsibilities:

16
17 [A] conflict of interest exists if there is a significant risk that a lawyer's
18 ability to consider, recommend, or cony out an appropriate course of action
19 for the client will be materially limited as a result of the lawyer's other
20 responsibilities.... The mere possibility of subsequent harm does not itself
21 require disclosure and consent. *The critical questions are the likelihood that*
22 *a difference in interests will eventuate and, if it does, whether it will*
23 *materially interfere with the lawyer's independent professional judgment in*
24 *considering alternatives or foreclose courses of action that reasonably*
25 *should be pursued on behalf of the client.*

26 *Bottoms* at 416 (quoting Iowa R. of Prof'l Conduct 32:1.7 cmt. [8]) (emphasis added).

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⁴ Iowa R. of Prowl Conduct 32:1.7 mirrors Rule 1.7 of the Guam Rules of Professional Responsibility in all relevant aspects, and provides:

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing.

(c) In no event shall a lawyer represent both parties in dissolution of marriage proceedings.

1 In *Barrett-Anderson*, the Guam Supreme Court noted Bottoms as finding that the “concept
2 of a potential conflict of interest is foreign to the new ethical rule.” The entire portion of the Iowa’s
3 court’s discussion about potential conflict is important to consider, so it is replicated here:
4

5 In considering this ruling [of the district court that “there is a significant potential
6 for divergence of” the interests of the attorney’s clients], we first note that the
7 concept of a potential conflict of interest is foreign to the new ethical rule. That is
8 because rule 32:1.7(a)(2) states that a conflict of interest “*exists* if there is a
9 significant risk that the representation of one or more clients will be materially
10 limited by the lawyer’s responsibilities to another client.” Iowa R. of Prof’l Conduct
11 32:1.7(a)(2) (emphasis added). In other words, if there is a significant risk that
12 representation of one client will materially limit the representation of another client,
13 *a conflict of interest actually exists; it is not merely potential.* See 1 *The Law of*
14 *Lawyering* § 10.4, at 10-13. Thus, only an actual conflict of interest, as defined in
15 rule 32:1.7(a), will justify disqualification.
16

17 *Bottoms* at 411. The Court interprets this finding in *Bottoms* as standing for the proposition that
18 the existence of a significant risk that the representation of one client will materially limit the
19 representation of another client is in and of itself an actual – not potential – conflict of interest
20 which requires disqualification.
21

22 DISCUSSION

23 The OAG contends that Attorney Fisher’s role as a member of the Guam Legislature is a
24 conflict of interest prohibiting his representation of the Defendant as defense counsel and argue
25 that Fisher’s role as a sitting senator, including serving as a member of the Committee on Public
26 Safety which votes to appropriate funds for law enforcement, the Office of the Attorney General,
27 and the Department of Corrections, gives rise to the conflict necessitating his disqualification in
28 this case. See *Ppl.’s Mot.* at pp. 3-4. In support, the OAG cites to the case of *Georgia Dept. of*
Human Svcs. v. Sistrunk, 291 S.E.2d 524, 528-529 (Ga. 1982) for the proposition that Attorney
Fisher cannot serve both as a servant of the People of Guam as a sitting senator, and as defense
attorney who purportedly “litigat[es] against the people’s interest.” *Mot.* at p. 6.

1 **A. The OAG’s reliance on *Georgia Department of Human Resources v. Sistrunk* is**
2 **improper as it was subsequently abrogated.**

3 In *Georgia Department of Human Resources, supra*, the Supreme Court of Georgia held
4 a legislator is prohibited “from representing a client, for his own financial gain, in any civil
5 transaction or matter wherein the State of Georgia shall be an opposing party.” *Ga. Dept. of*
6 *Human Resources*, 249 Ga. 543, 547 S.E.2d 524 (1982). The Georgia court reasoned:

7
8 ‘Either he must violate the duty which he owes to his principal, or exercise a virtue
9 rare amongst men – that is, sacrifice his own interest to that of another. To avoid
10 this collision of interest, and to prevent a temptation to infidelity in his trust, the
11 law imposes upon him a positive prohibition.’

12 *Id.* (quoting *Harrison v. McHenry*, 9 Ga. 164 (1850)).

13 However, the Court finds that the OAG’s reliance on *Georgia Department of Human*
14 *Resources* is misplaced, particularly because the holding therein has since been abrogated by
15 *Georgia Ports Authority v. Harris*, 146 S.E.2d 95.⁶ In *Georgia Ports Authority*, the Georgia
16 Supreme Court recognized the overarching issues in rendering a “blanket rule of disqualification”
17 in the earlier case of *Georgia Department of Human Resources* while also recognizing that the
18 prior decision placed Georgia in the minority among states. *Ga. Ports Auth.* at 146.⁷ The Court
19 finds worthy to repeat here what the Georgia Supreme Court repeated from the Georgia
20 Legislature:

21
22 [It is] also essential to the proper operation of government that those best qualified
23 be encouraged to serve the government. Accordingly, legal safeguards against
24 conflicts of interest must be so designed as not unnecessarily or unreasonably to
25 impede the recruitment and retention by the government of those men and women
26 who are best qualified to serve it. An essential principle underlying the staffing of
27 our government structure is that its elected officials and employees should not be

28 ⁶ In *Georgia Ports Authority*, the Georgia Ports Authority filed a motion to disqualify Harris’s counsel, Thomas C. Bordeaux, Jr., a member of the Georgia House of Representatives, on the grounds of a conflict of interest. *See Ga. Ports Auth.* at 151.

⁷ The Georgia Supreme Court observed how comparatively “draconian” the rule prohibiting legislators from taking on private clients to the majority of states. *Id.* Additionally, the court observed a reduction of lawyer-representatives in the legislature. *Id.* at 146-147.

1 denied the opportunity, available to all other citizens, to acquire and retain private
2 economic and other interests, except where conflicts with the responsibility of such
3 elected officials and employees to the public cannot be avoided.

4 *Id.* at 147 (quoting OGCA § 45-10-21(b)). As such, the Georgia court adopted an *ad hoc*⁸ conflicts
5 of interest standard in line with the majority of states. *Id.* at 148 (citing to *Thompson v. State*,
6 *supra*, 254 Ga. at 396(2), 330 S.E.2d 348) (declining to impose per se rule of disqualification on
7 part-time solicitors and requiring ad hoc analysis to determine whether actual conflict of interest
8 existed to justify disqualification).

9 As the Georgia Supreme Court in *Georgia Ports Authority v. Harris* has since determined
10 that the rule in *Georgia Department of Human Resources* expressed the position of a minority of
11 jurisdictions and was overbroad, this Court rejects the OAG's plea to find *Georgia Department*
12 *of Human Resources* persuasive.

13
14 **C. Attorney Fisher's disqualification is not warranted in this matter.**

15 The Court now turns to the main issue of Attorney Fisher's disqualification. The question
16 before the Court is one of first impression. Guam caselaw is silent as to whether a conflict of
17 interest under Rule 1.7 of the Guam Rules of Professional Conduct exists when a sitting senator in
18 the continues to represent clients, including criminal defendants, during their term.

19 The Court, therefore, turns again to *Barrett-Anderson* for guidance, although the facts of
20 that case are distinguishable: *Barrett-Anderson* dealt with the issue of the proper disqualification
21 of the OAG from a civil matter – in this case, the issue lies with Attorney Fisher's dual role as a
22 lawmaker *and* as a criminal defense lawyer. Nonetheless, the Court first turns to the issue of the
23 "appearance of impropriety" before addressing "significant risk."
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28

⁸ Meaning "when necessary or needed."

1 **a. The Court rejects a finding of the “appearance of impropriety” in light of the**
2 **history of practicing attorneys also serving as a member of the Guam**
3 **Legislature.**

4 Absent any applicable caselaw proffered by the OAG for the Court to consider, the Court
5 looks to the history of this jurisdiction and past members of the Guam Legislature who were also
6 active members of the Guam Bar Association during their public service. In particular, the Court
7 looks to the past administration of Attorney General Douglas B. K. Moylan (“AG Moylan”) from
8 2003 – 2007. During that term the following Guam senators were also attorneys as members of
9 the Guam Bar Association:

- 10 1. F. Randall Cunliffe (active member of the Guam Bar since August 24, 1978; 27th
11 Guam Legislature, 2003);
- 12 2. Robert W. Klitzkie (currently inactive; member since December 23, 1974; 27th &
13 28th Guam Legislature, 2003 & 2005);
- 14 3. Benjamin J.F. Cruz (active member of the Guam Bar since December 12, 1975;
15 28th Guam Legislature, 2005).⁹

16 This Court’s survey of the record does not indicate any motions to disqualify a sitting
17 Guam senator who is also an active member of the Guam Bar, let alone any disqualification of
18 the members listed above. The Court finds no factual distinction between AG Moylan’s past
19 administration during 2003 – 2007 and this current administration. From 2003 – 2007, three
20 sitting members of the Guam Legislature were still members of the Guam Bar Association and
21 routinely appeared before the Superior Court for criminal and civil matters. On information and
22 belief, Attorney Fisher is a current-sitting member of the Guam Legislature and an active member
23 of the Guam Bar.¹⁰ Additionally, Attorney Fisher has numerous cases before this Court, all
24 criminal cases, without any pending motion for his disqualification other than the one at bar.
25

26 _____
27 ⁹ Information cross-referenced from www.guamlegislature.com & www.guambar.org.

28 ¹⁰ The Court takes judicial notice of the official results of the 2024 election, wherein Attorney Fisher was unsuccessful
in his bid for reelection. See 2024 General Election Official Results Reports, Guam Election Commission (Nov. 21,
2024) at <https://gec.guam.gov/2024-general-election-official-results-reports/>. However, at the time of this Decision

1 For these reasons, the Court does not find an “appearance of impropriety” exists in this
2 case, considering Guam’s history. The Court now turns to the issue of “significant risk.”

3
4 **b. The OAG has failed to show that Attorney Fisher’s role as a sitting senator of
5 the Guam Legislature while representing a criminal defendant poses a
6 significant risk of violating the rules of Professional Conduct.**

7 Pursuant to *Barrett-Anderson*, the Court must consider any showing “that the attorney’s
8 representation risks violating the Rules of Professional Conduct.” *Barrett-Anderson* at ¶ 17. The
9 OAG proffered P.L. 33-08¹¹ regarding the offense of Promoting Prison Contraband. *Ppl.s Mot.* at
10 p. 3. The OAG further proffers Attorney Fisher’s “privilege” of voting to appropriate public
11 moneys for various agencies, as well as sitting on the Committee of Public Safety that introduced
12 P.L. 33-08, and argue that Attorney Fisher’s heightened responsibilities as a sitting senator is at
13 odds with his requirement to zealously advocate for his clients. *Ppl.’s Mot.* at pp. 3-6, 9.

14 The Court is not persuaded by these arguments. P.L. 33-08 was signed into law in 2015,
15 seven (7) years before Attorney Fisher was elected – thus, Attorney Fisher had no part in the
16 enactment of that law. The OAG has failed to show what, if any, law upon which Attorney Fisher
17 has participated in that has affected his interests with his clients.

18
19 Further, the OAG fails to articulate effect disqualifying Attorney Fisher’s would have on
20 mitigating or eliminating any “significant risks.” In this Court’s April 2, 2024 Decision and Order
21 disqualifying Special Assistant Attorney General Joseph McDonald (“SAAG McDonald”), the
22 Court made the following inquiry:

23
24 [SAAG McDonald] will work closely with an OAG Investigator, with police officer
25 witnesses, with victim witnesses all in service to the public interest. Will he be able
26 to impeach the same police officer or investigator witnesses in the cases involving

27
28 and Order’s issuance, Attorney Fisher is still serving as a Guam senator and an active member of the Guam Bar
Association.

¹¹ The People miscite the Public Law, erroneously indicating “P.L. 33-008.”

1 his clients? Are the same Chief and Deputy Chief Prosecutors going to evaluate the
2 pleas involved in the McDonald's criminal defendant client's cases?

3 *Dec. and Order Re. Defendant's Mot. to Disqualify a Prosecutor* (Apr. 2, 2024) at p. 16. In that
4 decision, the Court was concerned with the conflict of interests between SAAG McDonald's
5 representation of current clients and his role as prosecutor. This instant case is distinguishable
6 from SAAG McDonald's role as prosecutor against criminal defendants while also serving as
7 criminal defense counsel. Attorney Fisher's role as a lawmaker does not present a significant risk
8 of violating the Professional Rules. There has not been showing that he works closely, in his
9 capacity as a lawmaker, with prosecutors, investigators, and police officers in criminal cases. As
10 such, the Court finds that the OAG has not satisfied its burden of showing "significant risk" of a
11 violation of Rule 1.7 of the Guam Rules of Professional Conduct as set forth in *Barrett-Anderson*.
12

13
14 **CONCLUSION**

15 For the reasons set forth herein, the Court hereby **DENIES** the OAG's Motion to
16 Disqualify Defense Counsel.

17 As Defendant has continued to **ASSERT** her right to a speedy trial, the Court must take
18 the matter to trial within **14 days**, which is the remainder of the 60 days mandated for this Court
19 to take the matter to trial pursuant to 8 GCA § 80.60(a)(3). An [Asserted] Criminal Trial
20 Scheduling Order shall be issued concurrently with this Decision and Order scheduling trial
21 within no less than **five (5)** days of the date of this Decision and Order, pursuant to 8 GCA § 80.40
22 ("The defendant is entitled to at least five (5) days after entering his plea to prepare for trial").
23
24

25 **SO ORDERED** this 25th day of November, 2024.

26 **SERVICE VIA EMAIL**

I acknowledge that an electronic
copy of the original was e-mailed to:

27 AG, T. Fisher

28 Date: 11/25/24 Time: 2:56pm

Antonio Cruz
Deputy Clerk, Superior Court of Guam



HONORABLE MARIA T. CENZON

Judge, Superior Court of Guam