

Citizen Centric Report

Office of the Governor

Public Defenders' Office

WE ARE THE PUBLIC DEFENDERS' OFFICE

The government is required by law to create and sufficiently fund the Office of the Public Defender (PDO). As it is a legal/constitutional requirement, the services of the PDO are essential services the CNMI government is obligated to provide, as much as it is obligated to provide for the public safety, health, and welfare of our citizens. Effective assistance of counsel, individual rights and equal justice are guaranteed by the CNMI Constitution and the U.S. Constitution.

PROGRAM OVERVIEW

The PDO is created by 1 CMC § 2201. The duties are set forth in 1 CMC 2203.

The PDO Office is charged with the duty to defend indigent defendants in criminal cases before the courts of the Commonwealth and to render legal assistance to people in need of legal counsel who are unable to afford it.

The PDO defends the rights guaranteed to our residents under the Commonwealth Constitution, the U.S. Constitution and the Commonwealth statutes. In addition, such representation must be faithfully executed in accordance with an attorney code of ethics called the Model Rules of Professional Conduct. This code of ethics which every attorney employed here has sworn to uphold demands that we provide zealous and competent representation, have undivided loyalty to the clients, keep their confidences, and advocate for them to the best of our abilities.



Meet the team!

Douglas W. Hartig

Public Defender

Jean Pierre Nogues

Karie Comstock

Vina Seelam

Emily Thomsen

Assistant Public Defender

Janelle Reyes

Office Manager

Dolores Saures

Executive Assistant

Kristy Diaz

Legal Assistant

Please contact us at

234-6215 / 234-6503



2021 Island-wide cleanup



Chief Justice Alexander C. Castro administering the oath of office to Emily Thomsen Assistant Public Defender.



02/25/20 Associate Justice John A. Mangiona administered oath of office to Vina Seelam Assistant Public Defender.

MISSION STATEMENT:

The Commonwealth Constitution, and the United States Constitution guarantee certain fundamental rights to all people in the commonwealth. These include the right to due process of law, the right to effective assistance of counsel, the right to a fair, public and speedy trial, and the equal protection of the laws. The Office of the Public Defender ensures that all indigent people receive the protection of these guarantees as required by law. The Public Defender is appointed by the Governor with the advice and consent of the Senate. The Public Defender is assisted by Assistant Public Defenders, investigators and an administrative staff. They strive to provide legal services consistent with professional standards and ethical rules governing the practice of law.

HOW WE ARE DOING?

- A. The Public Defender's Office remained open and functioning throughout the COVID-19 Pandemic. Through social distancing, wearing masks, and good hygiene. PDO was able to service its clients as mandated. Court appearances, meeting with judges and conferring with parties were done telephonically or with zoom when needed. Whether in person and distanced or through zoom PDO always attended court when needed.
 - The PDO is responsible for the defense of indigent persons in criminal cases before both the Superior and Supreme Courts of the Commonwealth. The PDO provides these services on Saipan, Tinian and Rota.
 - The PDO represents residents in several different categories of case. These are criminal (both felony and Misdemeanor), traffic, juvenile and appeals.
 - One (1) position is the Public Defender and four (4) positions are Assistant Public Defenders. There is one (1) legal assistant who directly engages with both attorneys and clients. One (1) office executive assistant who works collaboratively in whatever manner necessary to facilitate smooth and efficient services for attorneys and clients; and one (1) office manager who oversees the daily and monthly routine functions of the office while maintaining the fiscal and budgeting responsibilities.
- B. PDO was instrumental in establishing Drug Court and continues to be an integral part of that program. PDO is very proud to now also be integral in establishing Mental Health Court.

OFFICE PERFORMANCE INDICATORS

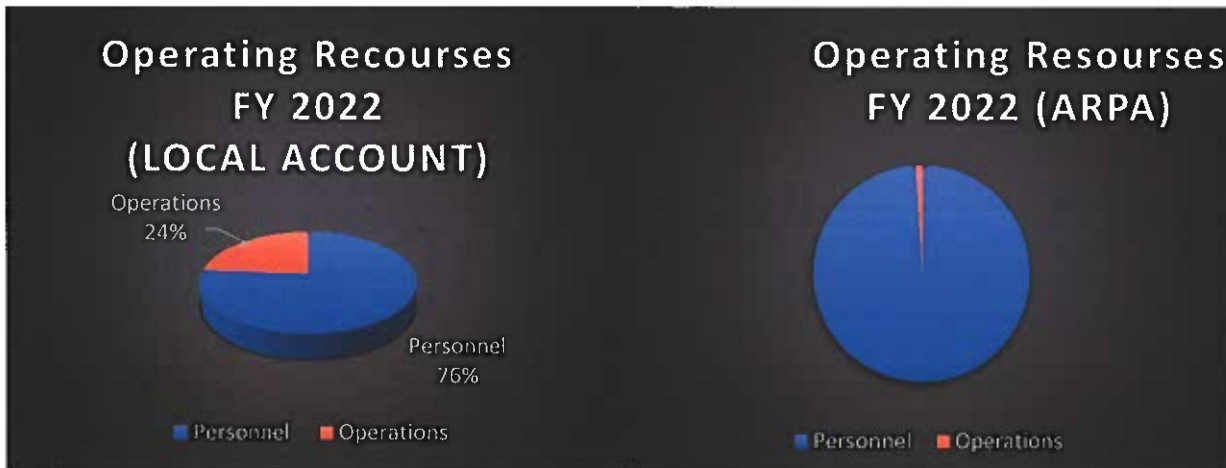
This information is based on our outgoing case/data management system. There is a margin of error to be considered for the difference between a fiscal year and a calendar year that we cannot control in the time matter data entry system; therefore, the following reports on data for calendar year 2020.

Our Project Manager continues to need more training on report generating. Therefore, we need funding to continue training to this end.

<u>Caseload</u>	<u>Totals</u>	<u>Criminal</u>	<u>Traffic</u>	<u>Juvenile</u>	<u>Appeals</u>
<u>Carried or re-opened from previous years</u>	<u>940</u>	<u>326</u>	<u>1001</u>	<u>43</u>	
<u>Opened in 2019</u>	<u>1153</u>	<u>297</u>	<u>863</u>	<u>21</u>	<u>5</u>
<u>Closed in 2019</u>	<u>1093</u>	<u>153</u>	<u>743</u>	<u>23</u>	
<u>Opened in 2020</u>	<u>1243</u>	<u>276</u>	<u>943</u>	<u>19</u>	<u>5</u>

BUDGET ISSUES AND HIGHLIGHTS

PDO's proposed budget demonstrates the PDO's ongoing attempt to provide the maximum services to the people of the CNMI with the resources available. The following represents our highest priorities.



<u>FY 2022</u>	<u>Personnel</u>	<u>Operations</u>	<u>ARPA</u>	<u>Appropriated</u>
<u>Requested</u>	<u>\$523,005</u>	<u>\$230,500</u>	<u>Personnel</u>	<u>\$179,653</u>
<u>Appropriated</u>	<u>\$364,322</u>	<u>\$114,492</u>	<u>Operations</u>	<u>\$1,797</u>

FUTURE CHALLENGES

1. The PDO must maintain the current and absolute minimum staffing level required to provide our essential service to the people of the CNMI, which means maintaining our current staffing.
2. The PDO requires one (1) additional FTE to allow our office to stay open during business hours. We've tried for nearly 9 years now, but we continue to struggle with only three (3) admin staff. One (1) additional legal assistant with a specialization in IT database case management would provide the added insurance and capacity for to deliver of services. At times the entire staff must be in the field so we are forced to close the office during working hours. It is not unusual for lawyers to be in court with the investigator while the office manager is routing documents and the legal assistant is filing documents. In that situation we are forced to lock the office. Further, if one member is on leave it at times requires that phones don't get answered or doors at the PDO are locked.
3. The PDO must continue with Westlaw legal research and Prolaw database management, essential subscriptions that cannot be removed. This office is fully reliant on technology. If these products were removed, the office would not be able to access any case files, history, calendaring, conflict information, etc. which are all essential to meeting constitutional, legal, and judicial obligations. Gone are the days when lawyers could rely on a courthouse library. Also, filing is now electronic and a fee must be paid. A law office must be able to file and access court documents.
4. The PDO will be most successful if allowed to continue implementing technology improvements through maintaining and upgrading internal computer networking and business processes. It should be noted that the overall implementation will require continued upkeep and maintenance.
5. The PDO building is in need of repair. Plumbing has become a major problem as well as roof leaks.
6. The PDO desires to improve the ability to efficiently and ethically provide quality legal services to the people of the CNMI through proper training of each one of our staff. Our attempt to improve office efficiency with technology also carries with it the transition of legacy staff to newer business processes and technologies. Also, attorneys are required to participate in continuing education as a requisite to their professional licensing. Moreover, it helps them to better serve their clients.



Public Defenders Office is located in Susupe, Civic Center Complex. Building is in between The Multi-purpose Center and The Joeten-Kiyu Public Library.