



February 9, 2023

**Honorable Therese M. Terlaje**

Speaker

*and*

**Honorable Chris Barnett**

Chairperson

Committee on Education, Public Safety and the Arts

*Mina'trentai Siette Na Liheslaturan Guåhan*

Guam Congress Building

163 Chalan Santo Papa

*Hagåtña, Guam 96910*

**Subject: Danger to Community; Adjustment of Defense Attorney Salaries; Bill 33-37**

*Hafa Adai* Chairman Barnett:

We at the Attorney General's Office wish to alert you to a problem with Bill No. 33-37, a bill seeking to provide "special pay" to criminal defense attorneys. ***This Bill poses a clear & present danger to the protection and safety of this Community.***

Currently, Guam lacks sufficient attorneys to meet all the legal needs required to protect the public's health and safety, and also to provide for indigent defense, let alone provide for civil matters. The solution is NOT increasing pay for defense attorneys to match the recent incentive given to ONLY PROSECUTORS by your predecessors. Currently, law firms, both government and private are competing among each other to secure enough attorneys to fulfill their missions. That problem has nothing to do with the pay incentive given to Prosecutors, nor any one person or law firm.

Guam does not need higher pay for Public Defenders and Alternate Public Defenders, **who are already well-paid govt. officials that just received a 6% pay increase**. This Bill is targeted to undermine the pay YOU at the Legislature gave to provide an incentive for attorneys to become prosecutors to PROTECT US. In addition, weakening the AG's Office will weaken GOVERNMENT CORRUPTION prosecutions, and weaken the rest of the office to have enough attorneys to COLLECT CHILD SUPPORT, protect consumers in our Consumer Protection Division, and provide overall civil legal work to the entire government of Guam.

In my opinion, the SALARY of an attorney is the most compelling reason why attorneys gravitate towards a law firm. The legal community and law offices are currently "cannibalizing" from each other to obtain enough attorneys to meet their law office's needs. This has been occurring for years now. It was the reason that your predecessors at the legislature recently provided a limited time 15% pay bump only to Prosecutors in order to continue to protect us against criminals.

**Office of the Attorney General**  
**Douglas B. Moylan · Attorney General of Guam**

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**"Guam's Toughest Law Enforcers"**

I respectfully submit that the Guam Legislature established a **clear and strong public policy statement that PROSECUTORS are the most important attorneys that protect us and our loved ones against violence.** Bill No. 33-37 will provide NO INCENTIVE and in fact remove the incentive earlier established by the last legislature for attorneys to work for the AG's Office as prosecutors.

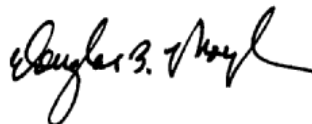
Without Prosecutors, our community is **IN DANGER of being over-run by the criminals.** The number of Violent & Non-Violent Crimes will increase, as will the numbers of **murders, robberies, rapes, home invasions, thefts and cases of government corruption.** Without sufficient prosecutors more crime victims will occur and suffering from crime. Prosecutors are needed to keep the bad guys in jail, and to protect us all. Without prosecutors, criminal cases will not get charged for the Courts to hear them, and the current number of prosecutors will be recruited to help the criminals at the PD and APD law firms, thereby leaving crime victims and the rest of we law-abiding citizens defenseless. The already broken criminal justice system will fall to its <sup>knees</sup> ~~needs~~, and we law-abiding citizens will be the ones to further suffer. The already *out of control* meth addicted criminals will multiply, as will the violent and non-violent crimes they commit.

I am in the process of rebuilding the AG's Office, and have been there for just 38 days. There were only 8 prosecutors when I took Office. I have transferred other attorneys to become prosecutors, and am rebuilding that Division with about 13. Attorneys are now wanting to again work at the AG's Office. We have several in the process of being hired, not just because of this new direction, but because of a 15% pay incentive to work as a Prosecutor. 21 prosecutors are needed.

Bill No. 33-37 will cause prosecutors to leave and stop my ability to recruit attorneys because it removes the incentive for attorneys to receive a 15% pay bump for being a prosecutor. It will also cause my other civil attorneys (including Family Court attys. who protect our children from abuse) to work for the Public Defender and Alternate Public Defender's Offices. It will create a vacuum in the AG's Office that will prevent us from doing civil work, such as attending to Depts., Boards and Commissions, and to the Legislature itself because we will lack sufficient attorneys to review proposed legislations, attend public hearings, and render legal opinions. We have just recently implemented my mandate that legal opinions be issued within 30 days, compared with the former AG that received govt. wide criticism I understand for not issue legal opinions at all.

If you are a criminal, or want to protect criminals, Bill 33-37 is an *excellent* way to promote crime on Guam. We can become the "*Crime Capitol of the Pacific*," and destroy our "cash cow" that tourism brings by tourists believing we are a safe Island. We can also effectively destroy the *good* quality of life we can enjoy with sufficient prosecutors, who **punish** criminals, **protect** us and who **deter** crimes . . . by allowing Bill 33-37 to pass. Plain and simple.

Respectfully,



**Douglas B. Moylan**  
Attorney General of Guam

cc: Honorable Roy Quinata, Senator  
All Senators