

CIVIL DIVISION



Deputy Attorney General J. Patrick Mason

The Civil Division of the Office of the Attorney General includes the Civil Litigation Unit, the Solicitors Unit, the Consumer Protection Unit, the Government Claims Unit and the Notary Public Unit.

Civil Litigation Unit

The Civil Litigation Unit is responsible for handling all civil actions in which the Government of Guam is an interested party. This includes bringing actions on behalf of the government and defending actions brought against the government in both the trial and appellate courts of Guam and the courts of the United States. The Attorney General is also tasked with bringing actions on her own behalf when necessary to ensure compliance by government

agencies, government officials, and private parties with the regulatory laws of Guam and bringing actions on behalf of the people of Guam in matters involving the protection of the public interest.

In 2008, the unit opened 473 litigation cases. Some of the types of matters handled by the Civil Litigation Unit include:

- Land condemnation cases;
- Land registration cases;
- Zoning and easement disputes;
- Wrongful death and personal injury claims;
- Government employee discipline and grievance disputes;
- Wage and hour claims;
- Maritime law enforcement;
- Contract disputes;
- Procurement disputes;
- Civil forfeitures;
- Consumer complaint mediation;
- Involuntary commitments;
- Environmental protection enforcement;

- Cases determining the extent of government authority and the legality of government actions; and
- Cases resolving the interpretation, constitutionality, and organicity of laws.

Civil Litigation: 2008 Statistics

<u>Action</u>	<u>Cases</u>
Bankruptcy	12
Civil Commitment	19
Civil Forfeiture	34
Employee Matters	51
Contract/Collection	24
Environmental Protection	10
Government Authority	28
Judicial Review	7
Land	8
Procurement: Court Proceedings	7
Tax	12
Tobacco	1

Torts	72
Consumer Protection	86
Notary	102
Total:	473

Solicitors Unit

The Solicitors Unit functions as the legal department of the Government of Guam, providing legal assistance to the various Executive Branch agencies, boards, and commissions. The Unit also participates in various task forces, committees, and round table discussions on legal matters.

The various legal tasks performed by the Solicitors Unit include:

- Researching and writing Attorney General opinions;
- Giving legal advice to government agencies through informational memoranda;
- Reviewing government bond documentation;
- Drafting, reviewing, and approving agency rules and regulations;

- Drafting and revising standardized forms for use by agencies;
- Acting as agency counsel at administrative hearings;
- Acting as Fair Hearing Officer at federally-mandated fair hearings for public assistance cases;
- Acting as Hearing Officer at administrative hearings before Boards and Commissions;
- Drafting and/or reviewing procurement contracts;
- Assisting agencies with procurements;
- Reviewing and approving non-procurement agreements such as inter-agency memoranda of understanding, qualifying certificates, and government real property transactions;
- Reviewing and/or drafting bills or legislation as requested by an agency or required by the Attorney General;
- Coordinating responses to *Sunshine Act* requests;
- Assisting with all legal issues related to the notary public program; and
- Assisting in administrative matters related to the Commission on Post-Mortem Examiners.

Solicitors Division: 2008 Statistics

<u>Requests for</u>	<u>Occurences</u>
Attorney Assistance	500
Contract Review	611
Administrative Proceedings	32
Administrative Rule & Legislation	10
Total:	1,153

Consumer Protection Unit

The Consumer Protection Unit enforces the laws against false, misleading, and deceptive practices by both local and off-island businesses. This includes areas such as telemarketing fraud, unlicensed businesses, auto repairs, and misleading advertisements.

In 2008, the Consumer Protection Unit received 78 consumer complaints. The Consumer Protection Unit, in collaboration with

the *Pacific Daily News*, publishes a weekly series of consumer articles to educate consumers on issues affecting Guam. In enforcing Guam's consumer laws, the Unit provides the following services:

- Mediate complaints between the consumer and business;
- Bring civil actions against companies who are engaging in deceptive practices;
- Conduct consumer education in schools, private organizations, and military installations;
- Monitor telemarketing activities ensuring that all telemarketers, especially those from off-island register with the Office before contacting any Guam consumers;
- Monitor promotional print ads for compliance of 9 Guam Code Annotated §64.70(f)(2) and 5 Guam Code Annotated §32201(b)(29);
- Monitor industry practices;
- Issue consumer alerts on scams as well as other consumer advisories of public interest; and
- Review and clear all Independent Sales Agent business license applications before conducting door-to-door sales.

Government Claims Unit

The Government Claims Unit is responsible for investigating and evaluating claims against the government in tort and contract cases. It also works to resolve claims concerning employee wage and hour disputes and claims regarding dormant and unclaimed bank funds transferred to the government. The Government Claims Unit received 74 claims in 2008.

Most of the claims investigated and evaluated are breach of contract claims and tort claims. Tort claims range from automobile accidents and property damage, to student injury and wrongful death. A party making a claim must go through the claims process before initiating an action in Superior Court for monetary damages against the Government of Guam. The claims officer seeks to resolve claims administratively, saving the government and the claimant the time and expense of litigation. Claims resolution is a collaborative effort in which the claims officer is assisted by the Division's assistant attorneys general, investigators, and other legal professional staff. The government has 30 days to resolve automobile property damage claims and six

months to resolve other claims, but the claims officer seeks to settle claims well within the required timelines.

Notary Public Unit

The Notary Public Unit reviews complaints against persons with notary public certifications, processes notary public applications, administers examinations to new applicants for notary public certification, issues letters documenting notary public status, insures that notary journals are kept properly and turned in to the Office of the Attorney General when a person's notary public certification has expired. In 2008, the Notary Public Unit processed 102 notary public applications and administered 81 tests to new applicants for notary public certification.