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Bill would fund 'experts in federal litigation cases'

Neil Pang | The Guam Daily Post 7 hrs ago



EMPOWERING OAG: Vice Speaker Therese Terlaje introduced Bill 137-34, which authorizes and identifies funding for the attorney general to "procure experts in federal litigation cases on behalf of the territory of Guam." Post file photo David Castro

As the Office of the Attorney General prepares to engage in a number of potential and ongoing legal battles with the federal government, a recently introduced piece of legislation could provide Guam's chief legal officer a means to procure subject matter experts to further bolster Guam's chances of successfully litigating and defending itself in federal court.

Bill 137-34, introduced by Vice Speaker Therese Terlaje,

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authorizes and identifies funding for the attorney general to "procure experts in federal litigation cases on behalf of the territory of Guam."

In the measure, Terlaje identified a number of ongoing and potential lawsuits in which the OAG is currently engaged, including:

- appealing the District Court of Guam decision to rule as unconstitutional the exclusive registration of native inhabitants to participate in Guam's plebiscite;
- representing the government of Guam through Guam Behavioral Health and Wellness Center in an injunction for the protection of mentally disabled adults in Guam;
- moving to close the litigation against GovGuam by the U.S. involving the Ordot dump closure;
- preparing to defend Guam against a threatened lawsuit by the federal government over alleged racial bias in the Chamorro Land Trust Commission;
- representing Guam in a suit against the Department of Navy for costs associated with the Ordot dump closure; and
- preparing to intervene in the suit filed by the Guam Contractor's Association against the U.S. regarding the absolute denial of H2-B visas for Guam.

Language in the bill recognizes the duties of the attorney general to both defend the local government against lawsuits and to initiate litigation on behalf of the people of Guam where the public interest is concerned.

'Specialized litigation'

"Key to the success of these suits is the procurement of experts in the subject matter field involved in the litigation, as well as attorneys familiar with the type of specialized litigation involved," according to Bill 137. "This support of litigation through the procurement of experts in the field of law and subject matter has proven successful in the recent closure of the (Department of Corrections) consent decree."

According to Post files, the terms of that DOC consent decree were completed in April, 25 years after the U.S. Department of

Justice filed suit against the government of Guam.

In order to pay for the procurement of such subject matter experts, Terlaje's bill does not appropriate additional money to the OAG, but rather authorizes the agency to utilize funding from either the personnel or operations categories of funds already appropriated in their budget.

As the legislative process for Bill 137 formally gets underway, Attorney General Elizabeth Barrett-Anderson told The Guam Daily Post there has been little change that concerns the issues of the threatened suit against CLTC by the Justice Department and its appeal of the federal court ruling regarding Guam's self-determination plebiscite.

"Nothing has been filed (against the CLTC) to date – no news is good news, for now," Barrett-Anderson told the Post.

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