

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Resolution No. 494-30 (COR)

Introduced by:

Committee on Rules

Relative to affirming that the legal services to be provided to the Legislative Committee on Ethics and Standards by Attorney Robert Kutz is *not* contrary to the interests of the Committee on Ethics and Standards or *I Mina' Trenta Na Liheslaturan Guåhan*.

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***
2 ***MINA'TRENTA NA LIHESLATURAN GUÅHAN*:**

3 **WHEREAS**, the Committee on Ethics and Standards (Committee) is seeking
4 the temporary legal services of Attorney Robert P. Kutz to assist with two (2)
5 complaints before the Committee; and

6 **WHEREAS**, Section 29.05 of *Otden Areklamento* (Standing Rules) of *I Mina'*
7 *Trenta Na Liheslaturan Guåhan* requires that certain language be included in all
8 contracts between *I Liheslaturan Guåhan* and any attorney offering services. Said
9 language is as follows:

10 **“Contracts Between *I Liheslaturan Guåhan* and Any Attorney”**
11 **Offering Services.**

12 **Section 29.05.** The following Paragraph shall be inserted in
13 every contract between *I Liheslaturan Guåhan* and an attorney offering
14 services to *I Liheslaturan Guåhan*:

15 “Contractor's law firm shall *not* bring or maintain any claim,

1 grievance, suit, or legal action or proceeding of any nature whatsoever
2 where the Committee on Rules, by Rules Resolution, deems contractor's
3 representation to be contrary to the interest of *I Liheslaturan Guåhan*, or
4 to constitute a conflict of interest in any administrative or judicial
5 proceeding, or in any case or legal matter whatsoever. *If a representation*
6 *contrary to I Liheslaturan Guåhan's interests arises, the Contractor shall*
7 *immediately take such steps to withdraw from representation of the*
8 *adverse client or interest against I Liheslaturan Guåhan. Contractor*
9 *agrees that any representation of an interest which contractor, a partner or*
10 *employee of contractor, or contractor's law firm is presently engaged in*
11 *which is in violation of this Paragraph will withdraw within five (5) days*
12 *of the signing of this contract by contractor and notice of such*
13 *withdrawal shall be given in writing to I Liheslaturan Guåhan. Failure to*
14 *abide by this Paragraph constitutes a breach of the entire contract and all*
15 *rights of contractor herein are thereafter automatically terminated”;* and

16 **WHEREAS**, Attorney Kutz is currently providing legal representation for the
17 Guam Federation of Teachers in *The Civil Service Commission v. The Government of*
18 *Guam, et. al.* (Case No. SP0184-04) and *The Guam Federation of Teachers v. The*
19 *Government of Guam, Felix Camacho, et. al.* (Case No. SP0009-07), both of which
20 are concerned with the issue of pay for teachers employed by the Guam Department of
21 Education; and

22 **WHEREAS**, Attorney Kutz is also currently providing legal services for a case
23 in progress, which will involve the Port Authority of Guam, and aims to compel the
24 agency to conduct contract negotiations with the Guam Federation of Teachers; and

25 **WHEREAS**, while these cases involve government of Guam agencies, they do
26 *not* directly involve or directly affect the Committee on Ethics and Standards, either

1 Complainant for each of the two (2) complaints, the Respondent, who is the same for
2 both of the two (2) complaints, or *I Liheslaturan Guahån*; and

3 **WHEREAS**, furthermore, Attorney Kutz will *not* be bound by the terms and
4 conditions, in part or in whole, of this "Legal Services Agreement" with *I*
5 *Liheslaturan Guahån* beyond December 30, 2010; now, therefore, be it

6 **RESOLVED**, that the Committee on Rules of *I Mina'Trenta Na Liheslaturan*
7 *Guåhan*, on behalf of *I Liheslaturan Guåhan* and the people of Guam, does hereby
8 affirm that the legal services to be provided to the Legislative Committee on Ethics
9 and Standards by Attorney Robert Kutz is *not* contrary to the interests of the
10 Committee on Ethics and Standards or *I Mina'Trenta Na Liheslaturan Guåhan*; and be
11 it further

12 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
13 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of
14 the same be thereafter transmitted to the Honorable Judith P. Guthertz, Senator and
15 Chairperson of the Committee on Ethics and Standards of *I Mina'Trenta Na*
16 *Liheslaturan Guahan*; to Attorney Robert Kutz; and to the Honorable Felix P.
17 Camacho, *I Maga'lahaen Guåhan*.


**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTA NA LIHESLATURAN GUÁHAN ON THE 20TH DAY OF
DECEMBER 2010.**



JUDITH T. WON PAT, Ed.D.
Speaker



RORY J. RESPICIO
Chairperson, Committee on Rules



TINA ROSE MUÑA BARNES
Legislative Secretary