

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

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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 interest 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")
4 is seeking the temporary legal services of Attorney Robert P. Kutz to assist
5 with two complaints before the Committee; and

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

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

12 'Section 29.05. The following Paragraph shall be inserted in every contract
13 between I *Liheslaturan Guåhan* and an attorney offering services to I *Liheslaturan*
14 *Guåhan* 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 to
4 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 agrees
9 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 withdrawal
13 shall be given in writing to *I Liheslaturan Guåhan*. Failure to abide by this
14 Paragraph constitutes a breach of the entire contract and all rights of
15 contractor herein are thereafter automatically terminated.'"; and

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

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

26 **WHEREAS,** while these cases involve Government of Guam

1 agencies; they do not directly involve or directly affect the Committee on
2 Ethics and Standards, either Complainant for each of the two complaints,
3 the Respondent, who is the same for both of the two complaints, or *I*
4 *Liheslaturan Guahån*; and

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

9 **RESOLVED**, that the Committee on Rules, on behalf of *I Mina’ Trenta*
10 *na Liheslaturan Guahån* and the people of Guam, does hereby affirm that the
11 legal services to be provided to the Legislative Committee on Ethics and
12 Standards by Attorney Robert Kutz is not contrary to the interest of the
13 Committee on Ethics and Standards or *I Mina’ Trenta na Liheslaturan*
14 *Guåhan*; and be it further

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