IN THE SUPREME COURT OF GUAM

PEOPLE OF GUAM
Plaintiff-Appellee,

vs.

MARK B. ANGOCO
Defendant-Appellant.

OPINION

Filed: December 29, 2006

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Supreme Court Case No.: CRA05-011
Superior Court Case No.: CF0428-94

Appeal from the Superior Court of Guam
Argued and submitted on July 6, 2006
Hagåtña, Guam

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BEFORE: F. PHILIP CARBULLIDO, Chief Justice; FRANCES M. TYDINGCO-GATEWOOD, Associate Justice[1]; ROBERT J. TORRES, JR., Associate Justice.

TORRES, J.:

[1] Defendant-Appellant Mark B. Angoco appeals the Superior Court's Decision and Order (the Order), which disqualified attorney David J. Lujan and Lujan Aguigui & Perez LLP (the Firm) from representing Angoco in his retrial on aggravated murder and other charges. The Superior Court judge ruled there was a conflict of interest because Lujan's partner, Peter C. Perez, and two associates working for the Firm represented Ricky McIntosh, a prosecution witness in the case against Angoco, in other unrelated criminal cases. Angoco contends the Superior Court abused its discretion when it decided not to accept the waivers executed by Angoco and McIntosh and failed to conduct an adequate inquiry into the conflicts involved in the instant case. Angoco further asserts that disqualification of counsel of his choice after he and McIntosh had knowingly waived any conflicts of interest deprived Angoco of his Sixth Amendment right to assistance of counsel and his Fourteenth Amendment guaranty of due process.[2]

[2] Angoco maintains that this court has jurisdiction because the disqualification order is a final order pursuant to 7 GCA § 3108(a), or is a matter deserving interlocutory review under 7 GCA § 3108(b). Angoco further argues that even if our appellate jurisdiction is lacking we should still review the matter by exercising supervisory jurisdiction over an inferior court in accordance with 7 GCA § 3107(b). Although the People have not challenged this court's jurisdiction to hear this

[1] Associate Justice Frances M. Tydingco-Gatewood heard oral argument in this case. Prior to issuance of this Opinion, she was sworn in as Chief Judge of the District Court of Guam.

[2] The relevant portions of the Sixth and Fourteenth Amendments of the Constitution of the United States are made applicable to Guam by 48 U.S.C. §1421(b)(u).

appeal, we first determine whether we have jurisdiction, and clearly, we must dismiss *sua sponte* when such jurisdiction is lacking. In examining the initial question of jurisdiction, we decide that a pretrial order disqualifying criminal defense counsel is not a final judgment or an order capable of interlocutory appellate review under the jurisdictional statutes outlining our appellate jurisdiction. Moreover, Angoco presents no valid reason for the Supreme Court to exercise supervisory jurisdiction. Therefore, we dismiss the appeal for lack of jurisdiction.

I.

[3] Angoco was indicted on several charges, including felony aggravated murder. The jury found Angoco guilty of the felony aggravated murder charge and acquitted him of all remaining charges. Angoco attacked the conviction by first arguing that the acquittal for the underlying felony charge required reversal of the felony aggravated murder charge. The District Court of Guam Appellate Division rejected that argument. The Ninth Circuit Court of Appeals, in an unpublished opinion, affirmed the Appellate Division, yet preserved Angoco's ability to file an ineffective assistance of counsel claim. Subsequently, Angoco filed a petition for writ of habeas corpus on the ground of ineffective assistance of appellate counsel which was granted by the Superior Court and affirmed by this court in *Angoco v. Bitanga*, 2001 Guam 17.

[4] Following our decision in that case, the People instituted proceedings to retry Angoco. Arguing that further prosecution would be a violation of the double jeopardy clause of the Fifth Amendment, Angoco unsuccessfully moved to dismiss the indictment. We affirmed the Superior Court's denial in *People v. Angoco*, 2004 Guam 11, and remanded the case for retrial.

[5] After the remand, Attorney Lujan replaced attorney Howard G. Trapp as counsel for Angoco. The People then filed a motion to disqualify Lujan, and all attorneys associated with the Firm

alleging the existence of a conflict of interest based on the representation of McIntosh in other criminal cases by Perez and two other associates of the Firm. In response, Lujan obtained waivers of the conflict from both Angoco and McIntosh. Lujan also argued that he personally had never taken part in the defense of McIntosh and the attorneys in the Firm, who had represented McIntosh, were "walled" off from the Angoco case.[3] After a hearing, the Superior Court disqualified Lujan and the Firm, finding that the waivers could not cure the conflict of interest problem and the Firm's continued representation of both Angoco and McIntosh created an intolerable conflict.[4]

[6] One week later, Angoco filed a Notice of Appeal.

II.

[7] Angoco's appeal of the Superior Court's disqualification of Lujan and the Firm presents a threshold issue regarding whether pretrial orders disqualifying defense counsel in criminal cases are immediately appealable. Angoco asserts that the disqualification order is appealable as either a final order pursuant to 7 GCA § 3108(a) or, in the alternative, as a matter appropriate for interlocutory review under 7 GCA § 3108(b). Additionally, Angoco argues that should we find our appellate jurisdiction to be lacking, the matter may still be reviewed under this court's supervisory jurisdiction pursuant to 7 GCA § 3107(b). While the People did not challenge whether the disqualification order was immediately appealable, "[j]urisdictional issues may be raised by any party at any time or *sua sponte* by the court." *Sky Enter. v. Kobayashi*, 2002 Guam 24 ¶ 5.

[3] An ethical wall is defined as a "screening mechanism that protects a client from a conflict of interest by preventing one or more lawyers within an organization from participating in any matter involving that client." Black's Law Dictionary (8th ed. 2004).

[4] Four months after the Superior Court judge disqualified Lujan and the Firm, the Presiding Judge permitted the Firm to withdraw as counsel for McIntosh in Superior Court Criminal Case Nos. CF0583-03, CF0575-03, CF0639-00 and CF0510-01.

[8] "We have consistently held that this court's appellate jurisdiction is limited to those matters which the legislature permits us to review." *People v. Lujan*, 1998 Guam 28 ¶ 8. Title 7 GCA § 3107 (2005) outlines the jurisdiction of this court, including its appellate and supervisory jurisdiction, while 7 GCA § 3108 delineates those judgments and orders of the Superior Court which may be appealed. "Despite statutory provisions expressing a broad grant of jurisdiction . . . where other statutory provisions contain specific limitations on the ability of a party to pursue appellate relief, we must respect those restrictions." *People v. Lujan*, 1998 Guam 28 ¶ 9. The jurisdictional statutes outlining our appellate jurisdiction are also to be strictly interpreted. *People v. Natividad*, 2005 Guam 28 ¶ 1.

[9] We previously held that "the disqualification of a prosecutor by the trial judge is a determination from which direct appeal is simply not available" and our holding is "reinforced by a substantial body of case authority indicating appeals of attorney disqualifications are generally not available and that review of such orders must be pursued through a collateral attack." *Lujan*, 1998 Guam 28 ¶¶ 9, 12. This court has not, however, directly addressed whether orders disqualifying defense counsel in criminal cases are immediately appealable.[5]

A. Final Orders

[10] In his Statement of Jurisdiction, Angoco first submits that the Order is appealable under 7 GCA § 3108(a) as a final order. Pursuant to 7 GCA § 3107(b) this court has jurisdiction over "appeals arising from judgments, final decrees, or final orders of the Superior Court." 7 GCA § 3107(b) (2005). While 7 GCA § 3107(b) confers jurisdiction over "final orders," such jurisdiction

[5] In *Lujan* we relied, in part, on the U.S. Supreme Court's decision in *Richardson-Merrell, Inc. v. Koller*, 472 U.S. 424 (1985), a civil case, in finding that "disqualification [orders] do not generally meet finality requirements" but we also recognized that "an analysis [of] a criminal defendant's right to counsel . . . would be quite different." *Lujan*, 1998 Guam 28 ¶ 12.

must be viewed in light of 7 GCA § 3108(a), which creates the availability of appellate review only "upon the rendition of final judgment in the Superior Court from which appeal or application for review is taken." 7 GCA § 3108(a)(2005); *A.B. Won Pat Guam Int'l Airport Auth. v. Moylan*, 2004 Guam 1 ¶ 9 (citing *Merchant v. Nanyo Realty, Inc.*, 1997 Guam 16 ¶ 3). In other words, to appeal an order as a final judgment, the order must have the effect of disposing of the case and must be reduced to a final judgment. Section 3108(a) is a codification of the final judgment rule which mandates "that a party must ordinarily raise all claims of error in a single appeal following final judgment on the merits." *Flanagan v. United States*, 465 U.S. 259, 263 (1984) (quoting *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 374 (1981)).

[11] Generally limiting appellate review to final judgments reduces an appellate court's interference with a trial judge's pre-judgment decisions, minimizes a party's ability to harass opponents through multiple appeals, and promotes the efficient administration of justice. *Flanagan*, 465 U.S. at 263-64. "Adherence to this rule of finality has been particularly stringent in criminal prosecutions because 'the delays and disruptions attendant upon intermediate appeal,' which the rule is designed to avoid, 'are especially inimical to the effective and fair administration of the criminal law.'" *People v. San Nicolas*, 1999 Guam 19 ¶ 10 (quoting *Abney v. United States*, 431 U.S. 651, 657 (1977) (internal citation omitted)). The Guam Legislature limited the appellate review of this court, generally, to final determinations. *Merchant*, 1997 Guam 16 ¶ 12; *Quenga*, 1997 Guam 6 ¶ 3 ("The Guam legislature incorporated the finality rule when it set the parameters of this Court's jurisdiction in 7 GCA § 3108(a)."). We strictly construe the statutes defining our appellate jurisdiction. *Natividad*, 2005 Guam 28 ¶ 1.

[12] Appellate jurisdiction is further limited by the "separate document rule" which "interprets [R]ule 58 of the Guam Rules of Civil Procedure as requiring a formal, separate judgment prior to this court's ability to obtain jurisdiction on appeal." *Gill vs. Siegel*, 2000 Guam 10 ¶ 6. In *Merchant*, 1997 Guam 16, we dismissed the appeal for lack of jurisdiction because a judgment was not entered on a separate document, stating that "[g]iven the absence of any judgment we cannot and will not exercise jurisdiction in this matter." *Id.* ¶ 5.

[13] We have little trouble concluding that the Order disqualifying defense counsel is not a final judgment of the Superior Court set forth on a separate document. Accordingly, we lack jurisdiction to address the instant appeal under 7 GCA § 3108(a).

B. Interlocutory Review

[14] The second jurisdictional basis relied on by Angoco is 7 GCA § 3108(b)[6] which provides this court with the ability to hear appeals in limited circumstances absent a final judgment from the Superior Court. Section 3108(b) allows immediate appellate review in cases when provided by law and at the exercise of our discretion in limited circumstance when one of three conditions is found to be present. This court's policy is "to strictly limit the exercise of interlocutory review." *People v. San Nicolas*, 1999 Guam 19 ¶ 11. Furthermore, we have expressed a "strong predilection against interlocutory appeals in criminal matters." *Id.* at ¶ 5. "The limitations on interlocutory appeals

[6] Title 7 GCA § 3108(b) (2005) reads, in relevant part:

> Interlocutory review. Orders other than final judgments shall be available to immediate appellate review as provided by law and in other cases only at the discretion of the Supreme Court where it determines that resolution of the questions of law on which the order is based will:
>
> (1) Materially advance the termination of the litigation or clarify further proceedings therein;
>
> (2) Protect a party from substantial and irreparable injury; or
>
> (3) Clarify issues of general importance in the administration of justice.

ensure that such appeals are granted only when the necessity of immediate review outweighs [the] general policy against piecemeal disposal of litigation." *Sky Enter.*, 2002 Guam 24 ¶ 21 (quotation marks omitted, alteration in original).

[15] Angoco's Statement of Jurisdiction filed with the court initially advanced that the order deserved interlocutory review under 7 GCA §§ 3108(b)(2) and (3) while the statement of jurisdiction contained in his Opening Brief simply referred to 7 GCA § 3108(b). We shall discuss therefore whether interlocutory review is appropriate under any of the provisions contained in § 3108(b).

1. As provided by law

[16] Title 8 GCA § 130.15 (2005)[7] lists in detail those appeals which may be taken by a defendant in a criminal case, and provides:

> An appeal may be taken by the defendant:
>
> (a) From a final judgment of conviction . . . .
>
> (b) From an order denying a motion for a new trial.
>
> (c) From any order made *after* judgment, affecting the substantial rights of the defendant.
>
> (d) Pursuant to § 40.80.[8]
>
> (e) From a judgment of conviction upon a plea of guilty or nolo contendere . . . .

(Emphasis added). This statute does not specifically allow for the appeal of a decision disqualifying

[7] In their brief, the People cite 8 GCA § 130.20(a)(3) as additional jurisdictional authority. However, that section lists the appeals allowed by the Government, specifically an order made after judgment affecting the substantial rights of the government. The disqualification order is not an order which was made after judgment. Furthermore, in the instant case, it is the defendant who appeals; therefore, we address the allowable appeals pursuant to 8 GCA § 130.15.

[8] Title 8 GCA § 40.80 (2005) provides that an appeal may be taken in certain cases of detainment, conditional release and revocation of release, and thus, is inapplicable to the instant case.

defense counsel. We addressed a similar issue in *People v. Lujan*, wherein we evaluated whether the People could appeal a decision disqualifying the prosecutor assigned to the case. *Lujan*, 1998 Guam 28. There, we examined the appeals statutorily allowed to the Government in criminal cases under 8 GCA §130.20 and concluded the Government was statutorily not permitted to appeal a prosecutor's disqualification. Likewise, the statute here does not allow for the appeal of a decision disqualifying defense counsel.

[17] Although we recognized in *Lujan*, 1998 Guam 28 ¶ 12, that a criminal defendant's right to counsel of choice raises different considerations, the authority of a defendant to appeal rulings in criminal cases as a matter of law cannot exceed the express statutory authorization of 8 GCA § 130.15. *Cf. Guam v. Ulloa*, 903 F.2d 1283, 1285-86 (9th Cir. 1990) (holding that the statute did not authorize the Government to appeal from a judgment *non obstante verdicto*).

[18] No other applicable section in the Guam Code provides us with jurisdiction, and Angoco does not direct us to one. Accordingly, because interlocutory review of attorney disqualification orders has not been provided to a defendant by the Guam Legislature, we lack the ability to address the issues raised by this appeal under the first portion of the jurisdictional statute outlining our authority to exercise interlocutory review.

2. Discretionary

[19] When immediate appellate review of orders other than final judgments is not specifically made available by law, the Supreme Court still has discretion to permit interlocutory review when resolution of the legal issues (1) materially advances the termination of the litigation or clarifies further proceedings therein, (2) protects a party from substantial and irreparable injury, or (3) clarifies issues of general importance in the administration of justice. 7 GCA § 3108(b). We have

recognized that subsections 3108(b)(1) and (3) "address concerns of judicial efficiency in permitting interlocutory appeals in specific circumstances." *Quenga*, 1997 Guam 6 ¶ 12. On the other hand, subsection 3108(b)(2) contemplates "allowing an appeal to resolve questions of law so as to '[p]rotect a party from substantial and irreparable injury.'" *Univ. of Guam v. Campanella*, Supreme Court Case No. CVA 03-026, Order, Feb. 5, 2004 (quoting 7 GCA § 3108(b)(2)). We now examine whether the exercise of our discretion on any of these three bases is appropriate.

a. Materially advance termination of litigation or clarify further proceedings

[20] This court has discretion to allow interlocutory review when the resolution of the questions of law will "[m]aterially advance the termination of the litigation or clarify further proceedings therein." 7 GCA § 3108(b)(1) (2005). We previously exercised jurisdiction under this provision to decide whether a contractual period of limitation contained in the general conditions of a subcontract applied to bar a plaintiff's claims. *Brown v. Dillingham Constr. Pac. Basin Ltd.*, 2003 Guam 2 ¶¶ 10-13. In that case, immediate resolution of the issue as to whether the contractual period of limitation applied had the possibility of avoiding a lengthy trial and costly appeal. *Id.* We noted that an issue was proper for interlocutory review where resolution of such issue clarified how the courts should proceed in other pending similar cases and prevented inconsistent decisions. *Id.* We also permitted interlocutory review of an order granting a new trial in *Lujan v. Lujan*, involving the appointment of a pro tempore judge and the determination of whether the appointment was proper. 2000 Guam 21. Appropriately determining this question was essential to advancing the termination of the litigation. The order disqualifying defense counsel in the present case lacks the critical characteristics present in the other cases where we granted interlocutory review under section 3108(b)(1). We fail to see how granting interlocutory review of the Superior Court's order

disqualifying Lujan as defense counsel will materially advance the termination of litigation or clarify further proceedings.

[21] Angoco, in oral argument, asserted that disqualifying Lujan from representation will slow the litigation because a new attorney will have to invest considerable time in becoming acquainted with the issues involved in the underlying case. However, immediate appellate review of the attorney disqualification order in the instant case does not necessarily guarantee that the termination of litigation would be materially advanced. Attorney Lujan's disqualification is completely unrelated and independent of the issues to be tried in the underlying case. Permitting immediate appeal of an attorney disqualification order before a trial will surely delay the trial. Reversal of the disqualification order would also not result in a dismissal of the underlying prosecution. Instead, the prosecution would continue after some delay.

[22] We must also weigh the sometime conflicting policies of effective judicial administration and the avoidance of unnecessary delay in litigation against the need to protect a defendant's constitutional right to counsel. While the Sixth Amendment provides a criminal defendant with the counsel of his choice, the same amendment guarantees a right to a speedy trial. The United States Supreme Court best summarized the policy of effective judicial administration and avoidance of delay in *Flanagan v. United States*, when it stated:

> [Furthermore, a]s the Sixth Amendment's guarantee of a Speedy Trial indicates, the accused may have a strong interest in speedy resolution of the charges against him. In addition, there is a societal interest in providing a speedy trial which exists separate from, and at times in opposition to, the interests of the accused. As time passes, the prosecution's ability to meet its burden of proof may greatly diminish: evidence and witnesses may disappear, and testimony becomes more easily impeachable as the events recounted become more remote. Delay increases the cost of pretrial detention and extends the period during which defendants released on bail may commit other crimes. Delay between arrest and punishment prolongs public anxiety over community safety if a person accused of a serious crime is free on bail.

> It may also adversely affect the prospects for rehabilitation. Finally, when a crime is committed against a community, the community has a strong collective psychological and moral interest in swiftly bringing the person responsible to justice. Prompt acquittal of a person wrongly accused, which forces prosecutorial investigation to continue, is as important as prompt conviction and sentence of a person rightly accused. Crime inflicts a wound on the community, and that wound may not begin to heal until *criminal* proceedings have come to an end.

465 U.S. at 264-65 (quotation marks and citations omitted, emphasis added). We therefore do not believe immediate appeal of the disqualification order will necessarily materially advance the termination of the litigation or clarify further proceedings therein; therefore, we hold that discretionary interlocutory review is not justified under the first prong of 7 GCA § 3108(b).

b. Substantial and irreparable injury

[23] This court may also grant interlocutory review when it determines that "resolution of the questions of law on which the order is based will . . . [p]rotect a party from substantial and irreparable injury." 7 GCA § 3108(b)(2) (2005). The Supreme Court has said that "post-conviction review of a disqualification order is fully effective to the extent that the asserted right to counsel of one's choice is like, for example, the Sixth Amendment right to represent oneself." *Flanagan*, 465 U.S. at 267-68. "[A] constitutional objection to counsel's disqualification is in no danger of becoming moot upon conviction and sentence." *Id.* at 266. "Moreover, it cannot be said that the right petitioners assert, whether based on the Due Process Clause of the Fifth Amendment or on the Assistance of Counsel Clause of the Sixth Amendment, is a right not to be tried." *Id.* at 266-67. Instead, "the asserted right not to have . . . counsel disqualified is, like virtually all rights of criminal defendants, merely a right not to be convicted in certain circumstances." *Id.* at 267.

[24] Assuming *arguendo* that the Superior Court incorrectly denied Angoco the right to have Lujan represent him, the order is reviewable post-conviction. Either Angoco will be acquitted and

arguably unharmed by the disqualification, or he will be convicted, after which he can appeal the Superior Court's disqualification order. The Supreme Court has recently held that a trial court' erroneous denial of a criminal defendant's counsel of choice is not subject to harmless error and entitles the defendant to a reversal of his conviction without an additional showing of prejudice. *United States v. Gonzalez-Lopez*, – U.S. –, 126 S. Ct. 2557 (June 26, 2006). As a result, any possible harm to the defendant may be addressed in an appeal following a conviction and therefore lacks the irreparable nature necessary to allow us to exercise our discretion in this context.

[25] During oral argument, Angoco asserted that he will suffer a substantial injury considering the investments made in obtaining the services of attorney Lujan. However, we do not feel that protection from increased litigation costs is what the Legislature contemplated when enacting section 3108(b)(2). The possible increased litigation costs is also not a harm directly related to the right to counsel of choice. Moreover, "[b]earing the discomfiture and cost of a prosecution for crime even by an innocent person is one of the painful obligations of citizenship." *Cobbledick v. United States*, 309 U.S. 323, 325 (1940).

[26] Hence, we will not exercise our discretion to grant immediate appellate review under 7 GCA § 3108(b)(2).

c. Clarify issues of general importance in the administration of justice

[27] If this court determines that resolution of the questions raised will "[c]larify issues of general importance in the administration of justice," we have discretion to permit an interlocutory appeal. 7 GCA § 3108(b)(3) (2005). In the past, this court has invoked jurisdiction under this provision to address conflicting Superior Court decisions. *See People v. Pak*, 1998 Guam 27 ¶ 7. This court has also exercised jurisdiction under section 3108(b)(3) in order to review a Superior Court order

relinquishing jurisdiction in the underlying case to another jurisdiction. *Mano v. Mano*, 2005 Guam 2 ¶ 10 n.6. In *Mano*, we held that "the determination of which court, Guam or Washington, has proper jurisdiction, is 'of general importance to the administration of justice' and thus, we may exercise our discretion and assert jurisdiction." *Id.*

[28] Resolution of a disqualification order in a particular case cannot be construed as clarifying an issue of general importance in the administration of justice. The issues we are being asked to review are whether the Superior Court abused its discretion when it did not accept the waivers by Angoco and McIntosh of a conflict-free attorney and allegedly failed to conduct an adequate inquiry into the conflicts involved. The issues involving the possible conflict created by the representation of a material witness by two attorneys in Lujan's firm are case specific and fact intensive. The case does not appear to be one with "exceptional circumstances permitting interlocutory review" and we decline to exercise our discretion pursuant to 7 GCA § 3108(b)(3). *Merchant*, 1997 Guam 16 ¶ 6.

C. Supervisory Jurisdiction

[29] The last statutory basis for jurisdiction advanced by Angoco appears in 7 GCA § 3107(b) (2005), which gives the Supreme Court "*supervisory jurisdiction over all inferior courts in Guam.*" (Emphasis added). As discussed previously, we strictly construe the limits set forth by the Legislature in the statutes outlining this court's jurisdiction. *Natividad*, 2005 Guam 28 ¶ 1. Our strong commitment to prudential rules shaping the exercise of our jurisdiction should result in a sparing use of this extraordinary supervisory power. *State v. Fields*, 686 P.2d 1379, 1386 (Haw. 1984). We will therefore not use our supervisory power to circumvent the limits on our jurisdiction set forth by the Legislature or to be a substitute for appeal. The language in this section was intended to allow us to address extreme cases, such as when the Superior Court is acting in excess of its

powers. *See Topasna v. Super. Ct. (People of Guam),* 1996 Guam 5 ¶ 5 ("The issue presented to the court, namely the jurisdiction of [a judge] to hear the cases, is appropriately reviewed by writ of prohibition in order to protect the court's appellate jurisdiction and effectuate supervisory jurisdiction . . . . ").

[30] A pretrial ruling on a motion to disqualify defense counsel is usually not an exceptional circumstance which creates significant injustice for which an appeal is an inadequate remedy; consequently, to exercise supervisory jurisdiction on the record before us is unwise and unwarranted.

D. Writ Jurisdiction

[31] Although we determine that we are without jurisdiction to address the issues raised by the instant appeal, under the appropriate circumstances the exercise of our supervisory powers over the courts may provide a basis for obtaining immediate judicial review of an attorney disqualification order. We recognize that there may be rare and urgent cases where it "would not be in the public interest" to compel the issue to "wend its way through the appellate process." *Fields*, 686 P.2d at 1386 (quoting *Gannett Pac. Corp. v. Richardson,* 580 P.2d 49, 53 (Haw. 1978). For example, on occasion the trial court order disqualifying defense counsel may be so patently erroneous that correction of the error would not require extensive effort by this court. In such a case, however, the party challenging the trial court's order should be able to convince us to exercise our discretion to immediately review the matter as an interlocutory appeal or pursuant to an extraordinary writ.[9]

[32] This court has jurisdiction over petitions for writs pursuant to 7 GCA § 3107(b). "Mandamus relief is an extraordinary remedy employed in extreme situations." *A.B. Won Pat Guam Int'l Airport*

[9] This court has declined, outside of certain *habeas corpus* petition cases, to treat an appeal as a writ when appellate jurisdiction was lacking. *Natividad*, 2005 Guam 28 ¶ 23. Consequently, we decline to treat Angoco's appeal as a writ.

Auth. v. Moylan, 2005 Guam 5 ¶ 10 (quoting *Guam Publn'n, Inc. v. Super. Ct. (Bruneman)*, 1996 Guam 6 ¶ 8). Mandamus may be appropriate "where the exercise of discretion . . . is so fraudulent, arbitrary, or palpably unreasonable that it constitutes an abuse of discretion as a matter of law." *Holmes v. Terr. Land Use Comm'n*, 1998 Guam 8 ¶ 12. In order to qualify for relief under the writ statute, a petitioner must demonstrate that he or she is a "beneficially interested" party and that "there is not a plain, speedy, and adequate remedy in the ordinary course of law." 7 GCA § 31203 (2005). The availability of an appeal will generally be an adequate remedy at law. *See Gray v. Super. Ct. (Gray)*, 1999 Guam 26 ¶¶ 13-14; *Ex parte Fahey*, 332 U.S. 258, 259-60 (1947). Therefore, although we will not speculate as to what cases, particularly involving attorney disqualification orders, may qualify for mandamus relief, clearly this relief will be available only in extraordinary cases.

III.

[33] There is no statutory authority which permits us to exercise jurisdiction over the instant appeal. The order disqualifying attorney Lujan is not a final order, nor is there any specific law that authorizes immediate interlocutory review. Furthermore, the disqualification order does not present issues which make it appropriate for us to exercise our discretion to conduct an interlocutory review in this case. Finally, we find this matter to be inappropriate for the exercise of our supervisory jurisdiction. Accordingly, this appeal is **DISMISSED** for lack of jurisdiction.