

**SUPREME COURT OF GUAM
RULES GOVERNING ADMISSION
TO THE PRACTICE OF LAW**

(amended pursuant to Promulgation Order No. 04-01, filed February 4, 2004)

NOTE FROM THE BOARD OF LAW EXAMINERS

Admission to the practice of law in Guam is governed by the rules which follow and which have been promulgated by the Board of Law Examiners. It is the responsibility of those who are interested in admission to the practice of law to insure that they are aware of both the rules as published in this pamphlet and any amendments thereto. Copies of these rules and amendments are always available free of charge from the Board of Law Examiners.

Admission to the practice of law in Guam is under the jurisdiction of the Supreme Court of Guam, acting by and through the Board of Law Examiners hereinafter the "Board." The Chief Justice and Associate Justices of the Supreme Court of Guam constitute the Board of Law Examiners. Members include: Chief Justice F. Philip Carbullido, (Chairperson), Associate Justice Frances M. Tydingco-Gatewood, Associate Justice Robert J. Torres, Jr. and Joaquin C. Arriola, Jr., Ex-officio.

The summary which follows is an unofficial summary. In case of conflict between the summary and the Rules, the Rules will govern.

To be classified as an applicant and upon passing the exam, to be certified for admission to practice law on Guam, a person shall satisfy the requirements of these Rules. For an applicant to be certified to the Supreme Court of Guam for admission to practice law in Guam he or she shall:

- (1) Be at least eighteen (18) years of age;
- (2) Be of good moral character;
- (3) Appear before the Board at such times and places as may be required by the Board, for oral examinations as to moral character or as to any of the other qualification; and furnish to the Board at any time after application for admission such supplemental information and evidence, and in such form, as may be required by the Board relating to moral character or any other qualifications;
- (4) Have completed at least two (2) years of college and have graduated from a law school in the United States which is accredited by the American Bar Association. [Those applicants who did not graduate from an ABA accredited law school may apply for a special exemption pursuant to Section A(5)(b) of the Rules, however, such exemptions are granted in exceptional circumstances only.];
- (5) Have filed a formal application in accordance with these Rules;
- (6) Take and pass the bar examination with a combined Multistate Bar Examination (MBE) and Essay/Multistate Performance Test (MPT) examination score of at least 132.50 points, where the Essay/MPT score is doubled and added to the scaled MBE score and that total divided by two (2);
- (7) Take and achieve a scaled score of 80.00 on the Multistate Professional Responsibility Examination (MPRE).

In applying for admission to practice, applicants should bear in mind the following:

- (1) Deadlines specified in the Rules are rigidly adhered to. Unless otherwise indicated, postmarking by a deadline date satisfies the filing requirement.
- (2) Applications are not considered filed until all information called for has been transmitted and all required fees have been paid. Fees may be paid by personal check but if the check is not honored, the application will not be considered as filed until a cashier's check or money order for the fee, plus any returned check fees, are received. Thus, if an application is filed on or near a deadline and the fee is paid by a personal check which is returned unpaid, and a cashier's check or money order, which includes the returned check fee, is received after the deadline, the application will not be considered as timely filed, and payment of an additional non-refundable late fee will be required.
- (3) The Essay/MPT and MBE examinations must be taken and passed in one attempt. Bifurcation of these exams is not allowed. The MPRE, however, may be taken prior to or after the two-day Guam Bar Examination.
- (4) (MBE) transfers from earlier Guam administrations of the examination or from another jurisdiction are not accepted; however, scores of 80 scaled MPRE, or higher may be transferred from other jurisdictions for up to one year after the test date on which the passing score was achieved. Upon passing the Guam Bar Examination, an applicant must successfully sit for the MPRE examination within one (1) year of the test dates during which he/she passed the Guam Bar Examination.

(5) Guam has no admission by comity or reciprocity. Everyone must take the entire two-day examination. As a limited exception to this policy government attorneys may practice under a temporary admission rule. Attorneys licensed under that provision must take the two-day Bar examination within two years of their government employment and must be regularly admitted within three (3) years.

(6) Transcripts or certifications showing an applicant's education eligibility to take the examination are required directly from the schools involved prior to examination. Hand-delivered and unofficial transcripts are not accepted. An applicant whose educational evidence has not been received prior to the date of the bar examination may not be permitted to take the examination. It is the applicant's responsibility to ensure that evidence of his or her educational qualification to take the examination is received by the Board of Law Examiners in a timely manner.

(7) The Multistate Essay Exam portion of the Guam Bar Examination is developed by the National Conference of Bar Examiners, and the essays administered are selected by the Guam Bar Examiners from several made available by the NCBE. The Essay exam is graded by a subcommittee of the Guam Board of Law Examiners under the direction of the Board. Unless an essay question expressly asks for Guam Law, it should be answered according to legal theories and principles of general application. Essay answers shall be written in the answer booklets provided. Additional answer sheets will be provided to applicants who require additional writing space.

(8) The Multistate Performance Test is administered in conjunction with the Essay exam. It is a practical test of an applicant's ability to apply legal reasoning and authorities to specific legal issues. The test booklet includes both a "library" of authorities and a "file" that provides a factual background to the problem presented in the test. The test question is developed by the National Conference of Bar Examiners, and selected by the Guam Bar Examiners from several made available by the NCBE. The MPT is graded by the a subcommittee of the Guam Board of Law Examiners under the direction of the Board. MPT answers will be written in the answer sheets provided with the test.

(9) One local question is administered in conjunction with the MEE and MPT. The local question may take the form of either an essay question, true/false questions, or multiple choice questions.

SUPREME COURT OF GUAM

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW

In accordance with its statutory and inherent authority, the Supreme Court of Guam adopted and promulgated rules governing admission to the practice of law in Guam in its capacity as the Board of Law Examiners.

These Rules were adopted May 17, 1996 and are set forth as amended, most recently on February 9, 2004. The Rules, as amended, are effective immediately and will be applied to matters pending before the Board. However, in any instance where a pending applicant can show prejudice from such amendment, the version of the Rules in effect at the time of his or her application will govern in that particular case.

PART A

BOARD TO DETERMINE FITNESS OF BAR APPLICANTS

Section 1 - Duties.

The Board of Law Examiners hereinafter the "Board" shall administer the bar examination and shall inquire into the character and fitness of applicants for admission. The Board shall certify as fit to practice law those applicants who have established to the Board's satisfaction that they possess the requisite integrity and character.

Section 2 - Application Forms.

The Board shall prepare and publish forms, shall prescribe the information which must be furnished by the applicants, and shall establish requirements for periodic updating of applications.

Application refers to: (1) the Registration Form; and (2) the Standard-01 Application which is the Character & Fitness Request prepared by the National Conference of Bar Examiners. (rev. 09/00)

Section 3 - Application Deadlines.

(a) Timely Filing Deadline: Applications for admission to practice law must be timely filed with the Board no later than ninety (90) days preceding the applicant's requested date for taking the bar examination. However, any person who was unsuccessful on any examination shall be allowed ten (10) business days from the date of the general announcement of examination results in which to file an application to take the next examination if such announcement falls on, after, or within five business days prior to the application deadline provided above. To be considered timely, applications must be accompanied by all requisite fees and supporting documentation (including the fingerprint card, certificates of good standing and recent photograph), and be received on or before the day of the deadline. For application deadlines which fall on a weekend or holiday, applications will be accepted on the following business day. (rev. 09/00)

Applications filed prior to the timely filing deadline which are incomplete or otherwise deficient shall be returned, but may be re-filed prior to the late filing deadline. Upon receipt of the application, the Board shall make every effort to timely return incomplete or deficient applications, however, it is the applicant's responsibility to submit a proper and complete application. The Board bears no responsibility for not immediately returning an application, received prior to the timely filing deadline, within enough time for said application to be re-filed without incurring a late fee. (eff. 09/00)

(b) Late Filing Deadline: Applications for admission to practice law may be filed with the Board subsequent to the timely filing deadline, but must be filed no later than sixty (60) days preceding the applicant's requested date for taking the bar examination. All applications filed after the timely deadline and within the late filing deadline will be subject to an additional late fee. (eff. 09/00)

Section 4 - Fees and Refunds.

(a) The timely filing fee for all applicants of the Bar Examination is **\$550.00**. The late filing fee is **\$800.00 (\$550.00 timely filing fee, plus \$250.00 late fee)**. The Bar Examination application fee is non-refundable in the event the applicant is found to be ineligible to take an examination. Further,

an applicant who withdraws not less than twenty-one (21) days prior to an examination shall be refunded 50% of the application fee paid, otherwise no portion of the fee paid shall be refundable. Applications are not considered filed until all information called for has been supplied and all required fees have been paid. Fees may be paid by personal check, but if the check is not honored, the application will not be considered as filed until a cashier's check or money order for the fee plus any returned check fees are received. If an application is filed on or near a deadline and the fee is paid by a personal check which is returned unpaid, and a cashier's check or money order, which includes the returned check fee, is received after the deadline, the application will not be considered timely filed. In this instance payment of an additional non-refundable late fee will be required (if remitted before the late filing deadline) or the applicant will not be allowed to sit for the examination (if remitted after the late filing deadline). (Promulgation Order No. 01-002A, filed 02/12/02, effective 08/30/01).

(b) The Board may, at its sole discretion, upon an applicant's showing in writing of good cause therefore, allow the fees paid for a particular seating of the Bar Exam to be applied to the next succeeding exam.

(c) Repeat takers must complete and file a new application with appropriate fees for each examination. A current certificate of Good Standing must be resubmitted from each jurisdiction to which the applicant is admitted. There is no limit to the number of times an applicant may take the bar examination.

Section 5 - Education Requirements.

(a) Applications to take the bar examination which show on their face that the applicant has been certified as fit to practice law and has satisfied the undergraduate and legal education requirements of these rules shall be approved by the Board of Law Examiners. An applicant must have graduated with a J.D. or a LL.B. degree from a law school within the United States, and which is accredited by the American Bar Association. No correspondence law school may be so approved. No graduate degree in law (LL.M., M.C.L., S.J.D.) is or should be a substitute for the first professional degree in law (J.D.) and no graduate degree in law will qualify as meeting the legal educational requirements for admission to the bar.

(b) Any applicant for admission to the Guam Bar who fails to meet the above requirement solely because his or her J.D. (or LL.B.) was not obtained from a law school accredited by the American Bar Association (ABA) may request from the Board of Law Examiners a waiver of this requirement. Such request shall be filed with the application package otherwise submitted for admission. Seven copies of the request for waiver (and any supporting documents) will also be submitted at that time.

The request may address and provide support on the following points:

- 1) The quality of the basic legal education the applicant received;
- 2) The quality and extent of additional formal legal training; and
- 3) The extent of experience and training the applicant may have received through practice (in other jurisdictions), clerkships or other authorized legal endeavors.

If the Board is satisfied that the applicant's professional background provides guarantees of competent training sufficient to compensate for the absence of ABA law school accreditation, the Board will grant the waiver. The applicant will be notified as to the request's disposition prior to being seated for the Bar Examination. Applicants seeking such waiver, and who are denied it, will not be permitted to sit for the examination. Denial of the request provides no basis for refund of any fees associated with application for Bar admission.

A denial of the waiver request is final. It will not be the subject of appeal or reconsideration. However, applicants who are denied such waivers may request them again, after a period of at least one year, in conjunction with subsequent applications for admission, and those requests will be considered based upon the candidate's then existing training, experience and apparent qualification.

PART B
BAR EXAMINATION

Section 1 - Timing and Location.

The Board shall conduct two examinations each year, each of which shall be held in the Guam Judicial Center, 120 W. O'Brien Dr., in Hagåtña or such other location as the Board may designate. Each examination shall be conducted on any two successive days and will be scheduled so as to coincide with the administration of the Multistate Bar Examination prepared by the National Conference of Bar Examiners. One of the two days will comprise the Multistate Bar Examination while the other will be dedicated to the essay examination and the Multistate Performance Test. (rev. 09/00).

Section 2 - Essay Examination/Multistate Performance Test. (Amended pursuant to Promulgation Order No. 03-002, filed June 25, 2003, effective immediately)

(a) The Board adopts use of the Multistate Essay Examination (MEE). Beginning with the Bar Exam administered in July of 2002, the Board of Law Examiners will select six (6) of seven (7) essay questions prepared by the National Conference of Bar Examiners, one (1) Multistate Performance Test (MPT) question selected from those made available by the National Conference of Bar Examiners and one (1) local question. Essay questions are selected by the Board based upon criteria that will best determine whether the applicant is qualified to be admitted to the practice of law in Guam. The six (6) essay answers shall be written in the booklets provided during the test. Additional answer sheets will be provided to applicants who require additional writing space. The local question may take the form of an essay question, multiple choice questions or true/false questions. Answers to the MPT question will be written in the answer book provided and shall not exceed eight (8) pages of text (one side of the page only). No writing beyond the lines provided on each page of the paper is permitted. Any answer which cumulatively exceeds the eight (8) page limit shall not be considered when the answer is graded.

(b) An applicant's overall Essay/MPT score will be a composite of the scores for the six (6) MEE questions, the local question and the one (1) MPT question. The average on the Essay/MPT portion overall will be achieved by multiplying the MPT score by two (2), adding that to the combined score of the six (6) MEE questions and the local question, and dividing the resulting total by nine (9).

Section 3 - Multistate Bar Examination.

The Board adopts use of the Multistate Bar Examination (MBE) prepared and graded by the National Conference of Bar Examiners as part of the Guam Bar Examination; provided, however, that questions on the MBE shall not be made public in any manner unless authorized by the National Conference of Bar Examiners. (rev. 09/00).

Section 4 - Multistate Professional Responsibility Examination.

Beginning with the February 2002 Bar Exam, the Board of Law Examiners shall require each applicant to pass the separately administered Multistate Professional Responsibility Examination (MPRE) with a scaled score of 80.00 or higher, with the following exception: a scaled score of 75.00 or higher from MPRE tests administered prior to the adoption and promulgation of the amendment to this rule on November 1, 2001, will be considered a passing score. The Essay/MPT and MBE examination must be taken and passed in one attempt. Bifurcation of these exams is not allowed. The MPRE, however, may be taken prior to or after the two-day Essay/MPT/MBE examinations. Upon passing the Essay/MPT/MBE examination, an applicant must pass the MPRE, an applicant must pass the MPRE examination within one (1) year before or after the test dates during which he passed the Essay/MPT/MBE exams. (Promulgation Order No. 01-006, filed 11/01/01, effective immediately.)

Section 5 - Transferability of Scores

(a) MBE transfers from earlier Guam administrations of the examination or from another jurisdiction are not accepted. However, scores from a Guam administration of the MBE may be transferred to other jurisdictions. Requests for the transfer of Multistate Bar Examination (MBE) scores must be made directly with the National Conference of Bar Examiners. (rev. 09/00).

(b) MPRE scores may be transferred from other jurisdictions for up to one (1) year after the test date on which the passing score was achieved. Upon passing the Essay/MBE examinations, an applicant must pass the MPRE within one (1) year before or after the test dates during which he passed the Essay/MBE exams. Requests for the transfer of Multistate Professional Responsibility Examination (MPRE) scores must be made directly with the National Conference of Bar Examiners. (Promulgation Order No. 01-006, filed 11/01/01, effective immediately.)

Section 6 - Grading of Examinations.

(a) Answers to the essay part of the examination (including the MPT) shall be graded by or under the direction of the Board, which shall pass upon the merits of papers submitted in answer to questions on the essay part of the bar examination.

(b) The MBE and Essay/MPT examination scores shall be combined with an applicant achieving a combined score of at least 132.50 points to pass. The formula applied to achieve the combined score is as follows. The overall Essay/MPT score is doubled and added to the scaled MBE score with the resulting total divided by two (2) – (Essay/MPT + Essay/MPT + scaled MBE score) / 2 = combined score. (rev. 09/00).

(c) The Board shall notify each bar applicant whether or not he passed the examination as promptly as feasible. The Board may disclose to applicants their grades on any or all parts of the examination, including, if calculated, their percentile ranking on any part of the examination. Applicant grades shall not be disclosed to any person other than the applicant. (rev. 09/00).

Section 7 - Administration of the Bar Examination.

(a) The examination of each applicant shall be done in such a manner that the examination paper is not identifiable by name to the members of the Board.

(b) The Board shall appoint a sufficient number of monitors to ensure the examination is conducted in an orderly and expeditious manner and to ensure no applicant is given or receives aid in taking the examination. To facilitate the orderly administration of the exam, examinees who arrive at the designated testing site after the examination has begun will be barred from entry and will not be allowed to participate in that block of testing. To avoid distracting other examinees, persons sitting for the exam will be required to ask any questions of the test administrator(s) prior to the commencement of the test; no queries will be entertained when the exam is underway. The Board shall establish any other rules and procedures to ensure the security and integrity of the bar examination before, during, and after it is administered.

(c) Each applicant shall, by taking the examination, be deemed to have sworn the following with respect to each question:

“I solemnly swear or affirm that I have no previous information as to the contents of the questions upon which I have been examined and that I have not received directly or indirectly, from any source whatever, any assistance, but that I wrote the answer exclusively from my knowledge.”

The applicants may also be required to write or type out the above oath and sign their signatures attesting to the truth of their statement during any part of the bar examination.

(d) If, during an examination, evidence is brought to the Board's attention regarding conduct by an applicant which may violate any law or rule governing the examination, the Board shall cause an immediate investigation to be made. If the Board determines that an applicant has violated any law or rule governing the examination, it shall immediately disqualify the applicant from the examination. (rev. 06/12/02)

(e) If at any time it shall appear to the Board that there is credible evidence which would establish that an applicant has:

- (1) falsified the application or proofs required for admission to the bar exam;
- (2) falsified the proofs required for admission to practice with or without examination;
- (3) falsified the documentation submitted in support of a request for test accommodations under Section 9 of Part B of these Rules or secured such documentation under false pretenses;
- (4) purposely omits to provide relevant information;

(5) utilized any unauthorized notes, books, recordings, electronically retrieved data or unauthorized materials while taking the bar examination, or secreted such materials for such use;

(6) obtained or used answers or information from or given answers or information to another applicant or any other person while taking the bar examination;

(7) written or designated any answers to questions on the bar examination prior to the announcement of the beginning of the examination session or after the announcement of the conclusion of the session;

(8) removed any examination materials or other notes made during the examination from the examination room;

(9) defaced, altered or stolen any examination materials after the administration of the examination; or

(10) done any of the above or compromised the process for admission to or administration of the bar examination, the Board shall serve written charges on such applicant by certified mail, stating with particularity the facts on which such charges are based.

(f) The applicant, no later than 30 days after the service of charges may cause to be delivered to the office of the Board a verified answer to such charges. Such answer shall identify with specificity the charges disputed by the applicant, who shall set forth any evidence which can be adduced by the applicant in contradiction of such charges. The applicant may include in such written answer a request that the Board hold a hearing.

(g) In the event such applicant does not submit a written answer as provided in Subsection (f) the Board shall deem the facts set forth in the written charges to be true.

(h) The Board, on its own motion or at the request of such applicant, shall set a date for an adjudicatory hearing. The hearing maybe held before a single member of the Board appointed by the chairman or before the Board as a whole or before a member of the Guam bar appointed as Hearing Officer by the Board. The applicant maybe represented by counsel, and the hearing shall be reported and transcribed by a certified reporter.

(i) The hearing shall be conducted pursuant to the procedures set forth in Subsections (b) and (c) of Section 4 of Part C of these Rules.

(j) The applicant shall be entitled to be represented and advised by counsel at his own expense at every stage of the proceeding. Any person who voluntarily appears or who is compelled to attend, and submit proof or testimony, at any hearing held pursuant to Subsection (h) of this Part shall be entitled to be represented and advised by counsel at his own expense.

(k) If the applicant shall be found to have violated any of the rules set forth in Subsection (e), above, by reason of:

(1) applicant's admission that such charges are true, in whole or in part; or

(2) applicant's being in default in answering the specifications, in whole or in part; or

(3) determination of the Board, after a hearing,

such determination shall be set forth in the Board's written decision, which shall be delivered to the applicant by certified mail, and some or all of the following penalties, and any other penalty which the Board may deem appropriate, maybe imposed:

(1) forfeiture of all fees paid by the applicant;

(2) nullification of the examination taken or the application made by the applicant;

(3) disqualification of the applicant from taking the Guam Bar Examination or applying for temporary or *pro hac vice* admission for a period to be determined by the Board;

(4) transmission of a written report of the matter to the National Conference of Bar Examiners Character and Fitness Division;

(5) transfer of a written report of the matter to the Bar Admission Authority in any jurisdiction.

(Section 7 (e) - (k) added 06/12/02 pursuant to Promulgation Order No. 02-007)

Section 8 - Typing the Essay Examination.

(a) Any applicant desiring to type the essay portion of the examination, may do so if he/she has indicated such on the application to take the examination. However, no additional time will be

provided for this method of taking the Essay examination. Typed answers to the essays must be on one side of the page only, double-spaced, and within the margins on the paper provided. (Amended pursuant to Promulgation Order No. 03-002, filed June 25, 2003, effective immediately)

(b) All requests to type the examination must be submitted in writing at least three (3) weeks before the examination.

(c) Applicants must furnish their own typewriters. Those who wish to use electric typewriters will be permitted to do so with the understanding that the Board assumes no responsibility for any power failure. Applicants using electric typewriters must be prepared to continue the examination by writing in the event of any power failure, whether the failure is widespread or limited. Likewise, applicants must be prepared to write their examinations if a typewriter malfunction prevents them from typing.

(d) The outlets provided are not to be used for anything other than an electric typewriter, i.e. no battery chargers, lamps, etc.. Further, no applicant may have more than one typewriter plugged in at any one time. No extra time or any other consideration will be allowed for power failure or interruption or for any mechanical breakdown of any typewriter.

(e) Typewriters with a memory or programmable capability, regardless of its current state of repair, shall not be used in completing answers to questions appearing on the Guam Bar Examination. This includes typewriters with a calculator, calculator function, dictionary, or spell check.

(f) Applicants intending to use typewriters during the Essay examination shall submit the typewriter, whether electric or manual, to the Board of Law Examiners for inspection one (1) day before the examination. Failure to timely submit the typewriter for inspection will prevent the applicant from using a typewriter and the applicant must therefore handwrite the examination.

(g) "Memory capability" includes typewriters with external plug-in memory modules, even if the module is not brought to the examination. Typewriters that require a battery to maintain memory or any other restricted feature will be rejected, even if batteries are removed and not brought to the examination.

(h) After inspection, the Board of Law Examiners will determine whether any particular typewriter can be used during the examination. The decision by the Board is final and not appealable.

(i) Typewriters approved for use during the examination shall be left at the examination test center at the time of inspection. The Board, however, does not and will not accept responsibility for damage to the typewriters nor guarantee the safekeeping of the typewriters.

(j) Approval of a specific typing instrument for this examination does not constitute approval of the same instrument for future examinations.

Section 9 - Special Testing Accommodations.

(a) The bar examination shall be administered by the Board of Law Examiners to all eligible applicants in a manner that is fair and equitable.

(b) Persons needing special accommodations on the examination shall make a written request to the Board two (2) weeks prior to the first day of the examination. The written request should state the reasons for the request and the specific accommodations needed by the applicant. The applicant may be required, as needed, to provide appropriate documentation to the Board.

(c) The Board may, upon written application, modify the manner in which the examination is administered to an applicant while maintaining the security and integrity of the examination.

Section 10 - Review of Scores. (Amended pursuant to Promulgation Order No. 03-002, filed June 25, 2003, effective immediately)

(a) An applicant who fails the Guam Bar Examination may obtain a review of his test scores to the extent and in the manner provided for in this section.

(b) At the time the results of the Guam Bar Examination are announced, the Board of Law Examiners shall give written notice to those applicants who failed to obtain an overall passing score on either the combined MBE and Essay/MPT examination, or MPRE, which ever is applicable. The notice shall be sent by certified mail, return receipt requested, to the home address listed on the applicant's bar application, unless the applicant requests in writing that notice be sent to a different address. The notice shall contain the following information:

- (1) That the applicant did not receive a passing score on the examination.
 - (2) That the Board of Law Examiners has denied the applicant's application for admission to the Guam Bar.
 - (3) The applicant's combined MBE and Essay/MPT score, or MPRE score.
 - (4) That the applicant may appeal the decision of the Board of Law Examiners by filing a written request for review of his test scores as provided for in this rule.
 - (5) That the applicant's written request for a review of his test scores must be received within thirty (30) days of mailing of the notice of non-passing score.
- (c) Appeals shall be directed to the Board of Law Examiners. The appeal shall be in the form of a written request for review. The appeal shall be filed with the Clerk of the Supreme Court of Guam. If filed by mail, the request for review shall be addressed to the:

GUAM BOARD OF LAW EXAMINERS
c/o CLERK, Supreme Court of Guam
Suite 300, Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910

The request for review must be received by the Clerk of the Supreme Court within thirty (30) days following the mailing of the notice of non-passing score. When the request for review is served by mail, an additional five (5) days shall be added to the thirty (30) day period.

(d) The Multistate Performance Test (MPT), shall not be subject to review. In order to be eligible for a review of the essay portion of the exam an applicant must have received a combined score on the exam of 130.50, such that it comes within two points of a passing score. The request for review must be signed and dated by the applicant.

(e) Upon approval by the Board of Law Examiners of the applicant's request for review of the essay portion, the applicant shall be sent all essay scores. The applicant shall select a maximum of three (3) essay questions for review. The Board of Law Examiners may request the Drafting and Grading Subcommittee (Subcommittee) to re-grade the applicant's three (3) designated essays. If the Board of Law Examiners requests the Subcommittee to perform the re-grade, the Subcommittee shall conduct its review and forward its results to the Board. The Board of Law Examiners will then determine whether the applicant has obtained a passing score and whether to approve the application for admission.

(f) The results of the MBE and MPRE test will be reviewed only for good cause shown and to the extent permitted by the testing services which administer those tests.

(g) All unsuccessful applicants may inspect their personal scores on the MBE, MPRE and Essay/MPT portions of the examination. Unsuccessful applicants who are eligible for a review of their Essay/MPT score may review the essay examination, and his or her answers to those questions. The Board of Law Examiners, in its discretion, may also provide applicants with the issue outlines for the various essay questions.

(h) The applicant shall remit a fee of \$100.00 along with the request for review, in order to alleviate the cost of copying, processing, reviewing, handling and mailing the applicant's request for review. The applicant shall not be entitled to a refund of this fee.

(i) After completing the review of an applicant's examination scores, as provided in the rule, the Board of Law Examiners will notify the applicant, in writing, of the Board's decision on the applicant's appeal. The decision of the Board of Law Examiners is final, except that a petition for reconsideration of the Board of Law Examiners' decision may be filed with the Board if the petitioner can show that the proceedings before the Board were likely affected by fraud.

Section 11 - Time Limitation for Satisfying Admission Requirements.

The Board shall not certify an applicant to the Supreme Court for admission to practice law unless the applicant has satisfied all requirements for admission found in these Rules. To take the attorney's oath and be admitted to practice law in Guam, the applicant must take the attorney's oath within five (5) years of the last day of the administration of the Guam Bar Examination that the applicant passed, unless for good cause shown

by clear and convincing evidence in a particular case the Board extends such time limitation. Delay in satisfying the admission requirements found in these Rules that is the result of an applicant's negligence shall not constitute good cause. (rev. 09/00).

PART C

INVESTIGATION OF APPLICANTS

Section 1 - Certification of Eligibility.

The Board shall issue a certification of eligibility for admission to the practice of law to the applicant upon an applicant's passage of the bar examination, proof of certification of fitness to practice law, and proof of qualification based on the educational requirements under these rules.

Certification may be in such form as the Board prescribes, including a letter, bearing the seal of the Board and signed by the Chairman of the Board of Law Examiners, or any member of the Board designated by the Chairman.

Section 2 - Investigation of Applicants.

Prior to certifying an applicant as having the integrity and character requisite to be a member of the Guam Bar Association, the Board shall make such investigation as it deems necessary into the character, reputation and background of the applicant. Each applicant shall provide written authority to the Board to conduct such investigation, and each applicant shall authorize all persons to furnish the Board with such information and documents as it may request. The authority granted to the Board shall expire upon the applicant's admission to the practice of law on Guam, denial of his application, or upon the applicant's written withdrawal of his application.

Section 3 - Informal Conference, Permissive Withdrawal of Applications, Re-application.

(a) If information is obtained during the investigation of an applicant that raises a question as to the applicant's character or fitness to practice law, the Board may require the applicant to appear, together with his counsel if he or she so desires, before the Board or any designated member for an informal conference concerning such information.

(b) If after such a conference the Board believes that certification of fitness to practice law would be inappropriate, it may, in lieu of denying certification, permit the applicant to withdraw his application upon the understanding that after a period of rehabilitation to be determined by the Board, but not to exceed three (3) years, it will accept a new application, accompanied by the appropriate initial filing fee, from the applicant for consideration.

Section 4 - Hearings.

(a) Prior to final determination that an applicant shall not be certified as fit to practice law in Guam, the Board shall notify the applicant by certified mail that it has entered a tentative order of denial of his application for certification and advise the applicant of his right to a formal hearing with respect to the reasons for the Board's tentative denial. Within ten (10) days after receipt of this notice, the applicant shall file his written request for a formal hearing with the Board of Law Examiners. If no request is filed within ten (10) business days after receipt of the notice, the Board's tentative order shall become final and non-appealable. If a request is filed, the Board shall prepare specifications of the reasons for the Board's tentative order and mail them by certified mail to the applicant. Within twenty (20) days of receipt of the specifications the applicant shall file his answers thereto, and if any specification is not denied, it shall be deemed to have been admitted by the applicant. In addition to answering the specifications, the applicant may assert any affirmative defenses he may have and any matters in mitigation he may wish to have considered. The hearing may be held before a single member of the Board appointed by the chairman or before the Board as a whole or before a member of the Guam bar appointed as Hearing Officer by the Board. The applicant may be represented by counsel, and the hearing shall be reported and transcribed by a certified reporter. (rev. 09/00)

(b) Witnesses may be subpoenaed by the Board and shall be subpoenaed by the Board upon the applicant's request. In case of a refusal of a witness to attend the hearing, to produce documentary

or other evidence or to testify, the Board shall certify the failure to the court, and the witness shall be dealt with in the same manner as contempt. Witnesses shall be entitled to receive the fees and mileage provided for by law for witnesses in civil cases.

(c) Prior to the hearing, written interrogatories may be served upon any witness not in Guam. The answers to the written interrogatories and any exhibits submitted with them shall be admissible as evidence at the hearing. (rev. 09/00).

At the hearing, the hearing officer shall not be bound to strictly observe the rules of evidence but shall consider all evidence deemed relevant to the specifications and the answers, affirmative defenses and matters in mitigation raised by the Board and the applicant in an effort to discover the truth without undue embarrassment to the applicant; provided, however, the Board's investigatory file with respect to matters not placed in issue by the specifications, answers, affirmative defenses and matters in mitigation shall not be subject to discovery or introduction into evidence. The hearing officer shall make written finding of facts and recommendations to the Board, which, however, shall not be binding upon the Board.

(d) If, after review of the recommendations of the hearing officer, the Board determines not to certify the applicant as fit to practice law in Guam, it shall so notify the applicant in writing by certified mail giving its reasons for its decision.

Section 5 - Re-application After Denial.

The Board shall not accept a new application from an applicant who has been denied certification of fitness to practice law until three (3) years have elapsed from the date a tentative order of denial becomes final, a final decision is issued after a hearing and not appealed, or a final decision is affirmed by the Court, whichever date is applicable.

Section 6 - Certification of Fitness to Practice Law.

Upon being satisfied that an applicant who had previously been denied certification of fitness to practice law on Guam possesses the integrity and character requisite to be a member of the Guam Bar Association, the Board may certify the applicant as fit to practice law. The Board shall conduct such investigation as it deems appropriate under the circumstances. The Board may renew, decline to renew or take such other action with respect to renewal as it may take with an original applicant. An applicant for renewal shall have the same rights with respect to conferences, hearings and appeals as would an original applicant.

Section 7 - Review of Certifications Prior to Admission to the Practice of Law.

(a) Certifications of fitness to practice law shall be tentative until an applicant is actually admitted to the practice of law and may be reviewed by the Board upon its own motion or upon request for further review. In any case where further review is deemed necessary, the Board shall suspend the applicant's certification and shall so notify the applicant by certified mail.

(b) The Board of Law Examiners thereafter shall not admit the applicant to an examination, or release the result of an examination taken prior to the receipt of such notice until the applicant's certification of fitness to practice law has been reinstated.

PART D **TEMPORARY ADMISSIONS OF GOVERNMENT ATTORNEYS**

Section 1. Any person employed as an attorney by the Government of Guam or by the Guam Legal Services Corporation or by the United States may be admitted temporarily without written examination and only for the purposes of such employment if, upon application, the Board determines that the person meets the qualifications of regular admission except for having passed the Bar examination; and is:

- (1) admitted to practice in the highest court of a state or territory of the United States; and
- (2) is otherwise professionally, morally and ethically qualified for admission to the Bar of

Guam and the admission of such person would be in the best interest of the Territory.

In every case, the burden shall be upon the person seeking admission pursuant to this section to establish his qualifications for admission. An application must be made upon a motion by the hiring authority,

supported by the applicant's declaration demonstrating his qualifications for admission. Additionally, the applicant must provide the court certificates of good standing from each jurisdiction to which he is admitted. An applicant for temporary admission must satisfy the same age, education and fitness requirements as any other applicant seeking permanent admission to the Guam Bar. An admission issued pursuant to this section shall state its temporary nature and it shall terminate automatically when the person ceases to be employed by the Government of Guam or by the Guam Legal Services Corporation or by the United States. While admitted under this section, a person shall be classified as an active member of the Bar of Guam with all the responsibilities and privileges thereof. An attorney admitted under this section shall, upon receipt of the order of admission by this court, register and pay dues to the Guam Bar Association prior to engaging in the active practice of law on Guam. Failure to immediately register may result in the revocation of temporary admission, the filing of an ethics violation in the jurisdictions to which the attorney is admitted, and any other appropriate action. (rev. 09/00).

Section 2. The temporary admission provided above shall expire after two (2) years unless the temporary admittee takes the MBE and Essay/MPT portions of the Bar examination within that time and will, in any event, expire no later than three (3) years after the date of such temporary admission. In no event will an attorney admitted under this Part, or under any previous provision of Guam law allowing the temporary admission of government attorneys, be permitted to practice as a temporary admittee for a period exceeding three (3) years, including any years of such practice allowed under previous provisions of law. (rev. 09/00).

PART E

GENERAL PROVISIONS

Section 1 - Authority of the Chair.

Any action which may be taken by the Board may, when the Board is not in session and time is of the essence, be taken by the chair alone who shall promptly notify the members of the Board of such action, which action shall be subject to confirmation at the next following regular meeting of the Board.

Section 2 - Records.

(a) The Board of Law Examiners shall maintain records generated in the course of accepting and processing applications for certification of fitness to practice law, as well as records generated in accepting and processing applications to take the bar examination and results of having taken the bar examination. Only the following records, provided in this section, shall be maintained as public records. No other records shall be deemed public records.

(b) With respect to applications for certification of fitness to practice law: name and address of each applicant.

(c) With respect to applications to sit for the bar examination: name and address of each applicant.

(d) With respect to each bar examination: the names and addresses of persons who passed the examination and such statistical summaries as may be specifically authorized by the Board.

(e) All other information provided by or obtained with respect to an applicant for certification of fitness to practice law or to take a bar examination, including examination results except as specifically provided for herein, shall be considered confidential and privileged communications and shall not be released to any person or agency; except, however, in those instances where a hearing with respect to an application for certification of fitness to practice law is to be held. Information and documents obtained by the Board pursuant to its investigation and relevant to the specifications issued by the Board may be disclosed to the applicant and his counsel and to a Hearing Officer appointed to conduct the hearing.

(f) Information provided by or obtained with respect to an applicant for certification of fitness to practice law may be disclosed to the bar admissions authority of any United States jurisdiction, including but not limited to the Commonwealth of the Northern Mariana Islands (CNMI), where the Applicant may apply for admission to the practice of law. The applicant, however, must request in writing that such information be supplied to such other authority on the understanding that such information will not be released to the applicant. The name, address, date of birth, and social security

number of each applicant for certification of fitness to practice law may be furnished to the National Conference of Bar Examiners for dissemination to the bar admissions authority of any United States jurisdiction, including but not limited to the CNMI, upon request. Moreover, an application for certification of fitness to practice law and application to take the bar examination may be released to the hearing counsel of the Guam Bar Ethics Committee in Disciplinary Matters. Finally, information and records may be disclosed as provided by order of the Court.

Section 3 - Communications With Board Members.

All communications to or with the Board or any member thereof relating to pending applications for certification of fitness to practice law or to pending applications to take the bar examination or to the results thereof or to eligibility for admission to the bar examination or to certificates of eligibility for admission to the practice of law and all communications with either board or any member thereof relating to waiver of any part of these rules, whether by an applicant or by any person or agent acting for or on behalf of an applicant shall be transmitted through the Board of Law Examiners unless otherwise directed in writing by the Chairman.

Section 4 - Filings.

All filings required to be made shall be made with the Board of Law Examiners. Unless otherwise indicated, filings placed in the United States mail, properly addressed to the Board of Law Examiners and bearing sufficient first class postage and postmarked by or on a deadline date, will be considered as having been timely filed if all information called for and all required fees are included in the mailing. Mailings which are postmarked after a deadline or which, if postmarked by or on a deadline date, are incomplete or which do not include required fees or which include a check in payment of required fees which is not honored by the drawee bank will not be considered as timely filed.

PART F PRO HAC VICE ADMISSIONS.

(amended pursuant to Promulgation Order No. 04-01, filed February 9, 2004)

Section 1 - Admission in Pending Litigation Before a Court or Agency

(a) Definitions

(i) An “*out-of-state*” lawyer is a person not admitted to practice law in Guam but who is admitted in another state, territory, or commonwealth of the United States or the District of Columbia and not disbarred or suspended from practice in any jurisdiction.

(ii) An out-of-state lawyer is “*eligible*” for admission pro hac vice if that lawyer:

(1) lawfully practices solely on behalf of the lawyer’s employer and its commonly owned organizational affiliates, regardless of where such lawyer may reside or work; or

(2) neither resides nor is regularly employed at an office in Guam; or

(3) resides in Guam but (a) lawfully practices from offices in one or more other states and (b) practices no more than temporarily in Guam, whether pursuant to admission pro hac vice or in other lawful ways.

(iii) A “*client*” is a person or entity for whom the out-of-state lawyer has rendered services or by whom the lawyer has been retained prior to the lawyer’s performance of services in Guam.

(iv) An “*alternative dispute resolution*” (“ADR”) proceeding includes all types of arbitration or mediation, and all other forms of alternative dispute resolution, whether arranged by the parties or otherwise.

(v) “Guam” refers to the jurisdiction promulgating this rule. This Rule does not govern proceedings before a federal court or federal agency located in Guam unless that body adopts or incorporates this Rule.

(b) Authority of Court or Agency to Permit Appearance by Out-Of-State Lawyer and Guam Lawyer's Duties Generally.

(i) Court Proceeding. A court of Guam may, in its discretion, admit an eligible out-of-state lawyer retained to appear in a particular proceeding pending before such court to appear pro hac vice as counsel in that proceeding.

(ii) Administrative Agency Proceeding. If practice before an agency of Guam is limited to lawyers, the agency may, using the same standards and procedures as a court, admit an eligible out-of-state lawyer who has been retained to appear in a particular agency proceeding to appear as counsel in that proceeding pro hac vice.

(c) Guam Lawyer's Duties. When an out-of-state lawyer appears for a client in a proceeding pending in Guam, either in the role of co-counsel of record with the Guam lawyer, or in an advisory or consultative role, the Guam lawyer who is co-counsel or counsel of record for that client in the proceeding remains responsible to the client and responsible for the conduct of the proceeding before the court or agency. It is the duty of the Guam lawyer to advise the client of the Guam lawyer's independent judgment on contemplated actions in the proceeding if that judgment differs from that of the out-of-state lawyer.

(d) Application Procedure.

(i) Verified Application. An eligible out-of-state lawyer, seeking to appear in a proceeding pending in Guam as counsel pro hac vice shall file a verified application with the court where the litigation is filed. The application shall be served on all parties who have appeared in the case and the Guam Bar Ethics Committee. The application shall include proof of service. The court has the discretion to grant or deny the application summarily if there is no opposition. The applicant shall submit a copy of the verified application and the fee as set forth below to the Supreme Court of Guam.

(ii) Objection to Application. The Guam Bar Ethics Committee or a party to the proceeding may file an objection to the application or seek the court's imposition of conditions to its being granted. The Guam Bar Ethics Committee or objecting party must file with its objection a verified affidavit containing or describing information establishing a factual basis for the objection. The Guam Bar Ethics Committee or objecting party may seek denial of the application or modification of it. If the application has already been granted, the Guam Bar Ethics Committee or objecting party may move that the pro hac vice admission be withdrawn.

(iii) Standard for Admission and Revocation of Admission. The courts and agencies of Guam have discretion as to whether to grant applications for admission pro hac vice. An application ordinarily should be granted unless the court or agency finds reason to believe that such admission:

- (1) may be detrimental to the prompt, fair and efficient administration of justice,
- (2) may be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent,
- (3) one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk, or
- (4) the applicant has engaged in such frequent appearances as to constitute regular practice in Guam.

(iv) Revocation of Admission. Admission to appear as counsel pro hac vice in a proceeding may be revoked for any of the reasons listed in Section 1(d)(iii) above.

(e) Application.

(i) Required Information. An application shall state the information listed on Appendix A to this rule. The applicant may also include any other matters supporting admission pro hac vice.

(ii) Application Fee. An applicant for permission to appear as counsel pro hac vice under this Rule shall provide a non-refundable fee of \$1000.00 (One Thousand Dollars) payable to the Supreme Court of Guam, located on the third floor of the Guam Judicial Center,

at the time of filing the application. The applicant shall furnish proof of payment to the court where the application is filed.

(f) Authority of the Supreme Court of Guam and the Guam Bar Ethics Committee: Application of Ethical Rules, Discipline, Contempt, and Sanctions.

(i) Authority Over Out-of-State Lawyer and Applicant.

(1) During pendency of an application for admission pro hac vice and upon the granting of such application, an out-of-state lawyer submits to the authority of the courts and the Guam Bar Ethics Committee for all conduct relating in any way to the proceeding in which the out-of-state lawyer seeks to appear. The applicant or out-of-state lawyer who has obtained pro hac vice admission in a proceeding submits to this authority for all that lawyer's conduct (a) within Guam while the proceeding is pending or (b) arising out of or relating to the application or the proceeding. An applicant or out-of-state lawyer who has pro hac vice authority for a proceeding may be disciplined in the same manner as a Guam lawyer.

(2) The court's and the Guam Bar Ethics Committee's authority includes, without limitation, the court's and the Guam Bar Ethics Committee's rules of professional conduct, rules of discipline, contempt and sanctions orders, local court rules, and court policies and procedures.

(ii) Familiarity With Rules. An applicant shall become familiar with the rules of professional conduct, rules of discipline of the Supreme Court of Guam, local court rules, and policies and procedures of the court before which the applicant seeks to practice.

Section 2 - Out-of-State Proceedings, Potential Guam and Out-of-State Proceedings, and All ADR

(a) Guam Ancillary Proceeding Related to Pending Out-of-State Proceeding. In connection with proceedings pending outside Guam, an out-of-state lawyer admitted to appear in that proceeding may render in Guam legal services regarding or in aid of such proceeding.

(b) Consultation by Out-of-State Lawyer.

(i) Consultation with Guam Lawyer. An out-of-state lawyer may consult with a Guam lawyer concerning the Guam lawyer's client's pending or potential proceeding in Guam.

(ii) Consultation with Potential Client. At the request of a person in Guam contemplating a proceeding or involved in a pending proceeding, irrespective of where the proceeding is located, an out-of-state lawyer may consult in Guam with that person about that person's possible retention of the out-of-state lawyer in connection with the proceeding.

(c) Preparation for Guam Proceeding. On behalf of a client in Guam or elsewhere, the out-of-state lawyer may render legal services in Guam in preparation for a potential proceeding to be filed in Guam, provided that the out-of-state lawyer reasonably believes he is eligible for admission pro hac vice in Guam.

(d) Preparation for Out-of-State Proceeding. In connection with a potential proceeding to be filed outside Guam, an out-of-state lawyer may render legal services in Guam for a client or potential client located in Guam, provided that the out-of-state lawyer is admitted or reasonably believes the lawyer is eligible for admission generally or pro hac vice in the jurisdiction where the proceeding is anticipated to be filed.

(e) Services Rendered Outside Guam for Guam Client. An out-of-state lawyer may render legal services while the lawyer is physically outside Guam when requested by a client located in Guam in connection with a potential or pending proceeding filed in or outside Guam.

(f) Alternative Dispute Resolution ("ADR") Procedures. An out-of-state lawyer may render legal services to prepare for and participate in an ADR procedure regardless of where the ADR procedure is expected to take or actually takes place.

(g) No Solicitation. An out-of-state lawyer rendering services in Guam in compliance with this Rule or here for other reasons is not authorized by anything in this rule to hold out to the public or otherwise represent that the lawyer is admitted to practice in this jurisdiction. Nothing in this Rule authorizes out-of-state lawyers to solicit, advertise, or otherwise hold themselves out in publications as available to assist in litigation in Guam.

(h) Temporary Practice. An out-of-state lawyer will only be eligible for admission pro hac vice or to practice in another lawful way only on a temporary basis.

(i) Authorized Services. The foregoing services may be undertaken by the out-of-state lawyer in connection with a potential proceeding in which the lawyer reasonably expects to be admitted pro hac vice, even if ultimately no proceeding is filed or if pro hac vice admission is denied.

PART G:
MANDATORY CONTINUING LEGAL EDUCATION

Section 1 - Purpose.

Continuing professional education of lawyers serves to improve the administration of justice and benefit the public interest. Regular participation in Continuing Legal Education programs will enhance the professional skills of practicing lawyers, afford them periodic opportunities for professional self-evaluation, and improve the quality of legal services rendered to the public. All active members of the Guam Bar shall participate in the requisite number of hours, as set forth in this Rule, of further legal study throughout the period of their active practice of law, and failure to do so shall result in their suspension from membership in the Guam Bar.

Section 2 - Appointment of the Guam Bar Association for the Administration of this Rule.

(a) The Supreme Court of Guam hereby appoints the Guam Bar Association to administer this Rule.

(b) The Guam Bar Association shall have the following duties:

- (1) Accept the certification forms to be filed annually by each active member of the Guam Bar.
- (2) Conduct a compliance audit during the month following the end of each reporting period.
- (3) Review and approve Continuing Legal Education courses and activities.
- (4) Report at least annually to the Supreme Court of Guam.

Section 3 - Continuing Legal Education (CLE) Requirement.

(a) Annual Requirement. Every active member of the Guam Bar shall complete and certify attendance at a minimum of ten(10) hours per year of approved Continuing Legal Education (“CLE”) courses of which at least two (2) hours shall be in the area of legal ethics or professionalism. Each member shall complete the required CLE courses during the period of January 1 through December 31 of the same year. An “active member” is defined as a person who has active status in the Guam Bar Association. The annual credit requirement for lawyers who are active members for only a portion of the year shall be prorated at a rate of one-half (½) credit per month he or she claims active status, or any portion of a month thereof. (Amended 12/12/03 pursuant to an Order in Administrative Proceeding No. AP03-004)

(b) Carry-Over. In an effort to provide flexibility in fulfilling the annual requirement, a one year carry-over of credit hours is permitted, so that accrued credit hours in excess of one year’s requirement may be carried forward from one year to meet the requirement for the next year. A member may carry forward a maximum of six (6) credit hours, two of which, if earned in legal ethics or professionalism, may be counted toward the two (2) hours required in legal ethics or professionalism. Hours in excess of the minimum requirements defined in this Rule may not be carried forward for credit beyond the one year provided for in this Rule. (Amended 12/12/03 pursuant to an Order in Administrative Proceeding No. AP03-004)

(c) Prior Attendance. Credit will not be given for CLE hours accumulated prior to admission to the Guam Bar.

(d) Approved Courses and Activities. The CLE requirement may be met either by attending courses or completing any other continuing legal education activity automatically approved for credit as provided in this Rule. Self-study, including the use of approved video or audio tapes, computer based resources, or participation in legal educational activities involving correspondence technology, in-house law firm continuing legal education efforts, teaching, and participation in a committee of the Guam Bar Association or the Supreme Court of Guam may be considered for credit when they meet the conditions set forth in this Rule. Credit shall not be given for activities not specifically enumerated in Section 7 of this Rule. (Amended 12/26/02 pursuant to Promulgation Order No. 02-010)

Section 4 - Reporting CLE Credit.

(a) Reporting Requirement. Unless exempt as provided in this Rule, each active member shall submit to the Guam Bar Association, on or before January 31 of each year, a Certification of Attendance certifying that the member has attended mandatory Continuing Legal Education course(s) for the minimum number of hours required during the previous year ending December 31. No member may submit a Certification of Attendance after January 31 without approval of the Supreme Court of Guam upon written request by the member.

(b) Approved Forms. A member may submit a Certification of Attendance form provided to the attendees at the CLE course(s) or, in the alternative, the form entitled "[Attorney Application for CLE Credit/ Certification of Attendance](#)" attached as Appendix 1 to this Rule.

(c) Responsibility of Members. Every active member shall be responsible for ascertaining whether or not the particular course satisfies the requirements of this Rule.

Section 5 - Exemptions.

(a) New Members. A newly admitted member shall be exempted from filing a certification for the reporting period in which he or she is first admitted. A newly admitted member is a person who has never previously been a member of the Guam Bar Association.

(b) Waivers. A member who has been granted a waiver from compliance with the requirements of this Rule shall be exempted from filing a certification for the period for which the waiver is granted.

(1) A member seeking a waiver from the requirements for a reporting year must submit a written petition, together with any appropriate or required material or documentation (e.g. doctors' letter, medical records), to the Supreme Court of Guam.

(2) A member should, whenever practicable, file his or her petition prior to the January 31 reporting deadline for the year the member seeks a waiver. Failure to file a petition in a timely manner may be considered by the Supreme Court in determining whether to grant a waiver.

(3) A waiver shall not be granted unless good cause is shown.

(4) The filing of any petition for waiver will toll the running of any time limit set forth in this Rule up to, but not to exceed, thirty (30) days.

(c) Extensions. A member who has been granted an extension from compliance with the requirements of this Rule shall be exempted from filing a certification for the period for which the extension is granted.

(1) A member seeking an extension from the requirements for a reporting year must submit a written petition, together with any appropriate or required material or documentation (e.g. doctors' letter, medical records), to the Supreme Court of Guam.

(2) A member should, whenever practicable, file his or her petition prior to the January 31 reporting deadline for the year the member seeks an extension. Failure to file a petition in a timely manner may be considered by the Supreme Court in determining whether to grant an extension.

(3) An extension shall not be granted unless good cause is shown.

(4) The filing of any petition for extension will toll the running of any time limit set forth in this Rule up to, but not to exceed, thirty (30) days.

Section 6 - Sanctions.

(a) Self-Reporting. This Rule establishes a self-reporting system.

(b) Annual Auditing. During the month following the annual reporting deadline, the Guam Bar Association shall conduct a random audit of at least 15% of the active members to determine compliance with this Rule.

(c) Notice of Delinquency. After completion of the random audit, the Guam Bar Association shall send a Notice of Delinquency to each member found to have violated this Rule for any prior year.

(d) Cure. Within ninety (90) days following the receipt of the Notice of Delinquency, the member shall submit a Certification of Attendance, certifying that he or she has taken course hours necessary to meet the annual requirements of the Rule for the relevant year, along with a payment of a delinquency fee of \$50.00.

(e) Failure to Cure. If the member fails to submit the requisite Certification of Attendance sufficient to permit retroactive compliance with the Rule, the Guam Bar Association shall file a Notice of Non-Compliance with the Supreme Court of Guam.

(f) Automatic Suspension. Failure to take steps to certify compliance with this Rule within ninety (90) days of receiving the Notice of Delinquency shall result in automatic suspension by the Supreme Court of Guam.

(g) Reinstatement. In order to be reinstated, a member suspended for violating this Rule shall file a petition for reinstatement with the Supreme Court of Guam along with a reinstatement fee of \$200.00. The petition for reinstatement shall include a Certification of Attendance certifying that the suspended attorney has completed the course hours necessary to meet the annual requirements of this Rule for the relevant year.

(h) Continuing Responsibility. A suspension for violating this Rule shall not relieve the delinquent member of his annual responsibility to attend CLE programs or to pay his dues to the Guam Bar Association.

(i) Representations by Members. A member who makes a materially false statement in any document filed with the Guam Bar Association or the Supreme Court of Guam shall be subject to appropriate disciplinary action.

Section 7 - Approved Educational Activities.

(a) Courses automatically approved. The following CLE courses will be automatically approved for credit.

(1) Live CLE programs offered by the federal or local judiciary in Guam or the Commonwealth of the Mariana Islands, or by the Guam or Commonwealth of the Northern Mariana Bar Associations. A "live" course is one where there is an instructor in the room with the participants.

(2) Self-study courses listed for automatic approval by the Guam Bar Association. (See Section 7(c) of this Rule, below).

(3) Courses or activities approved by the highest court of another jurisdiction or its designee, the American Bar Association, or a state bar association.

(4) Courses or activities offered by a provider accredited by the official CLE committee of another jurisdiction or a national CLE accrediting body.

(b) In-office CLE. Courses offered by law firms, either individually or with other law firms, corporate legal departments, government attorneys, or similar entities, primarily for the education of their members may be approved for credit. Members who seek credit for in-office courses shall submit, with the required certification of attendance form, the program schedule or agenda and course syllabus or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice.

(c) Self Study. In addition to formal courses conducted in a class or seminar setting, approved self-study courses involving the use of video or audio tapes, computer resources (e.g. CD-ROM and internet), or correspondence courses (e.g. satellite and teleconference) may be used to satisfy the credit requirements of this Rule. Members who seek credit for self-study courses shall submit, with the required certification of attendance form, the program schedule or agenda and course

syllabus or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice. The Guam Bar Association shall make available to the members of the Association a list of self-study courses that will be automatically approved for credit.

(d) Teaching or Lecturing. Members who teach legal courses or deliver lectures on law, whether to other attorneys or to members of the general public may be given credit for the time spent in preparation and time spent teaching or lecturing. A member seeking credit for teaching or lecturing must obtain prior approval from the Guam Bar Association. Members who seek credit for teaching or lecturing shall submit, with the required certification of attendance form, the course syllabus, lecture outline or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice. Once credit has been given for teaching a course or delivering a lecture, no further credit shall be given for a subsequent delivery of the same material to a different audience.

(e) Service on Guam Bar Association Committee or Supreme Court of Guam Committees. Members who are officers of the Guam Bar Association or sit on and actively participate in a committee of the Guam Bar Association or Supreme Court of Guam may be given credit for such participation. Members who seek credit for such participation shall submit, with the required certification of attendance form, a statement describing the officer's or committee's tasks, the scope of the member's participation and the number of hours actually expended attending meetings or working on assigned tasks. No more than two credit hours attributed to participation as an officer or a committee member may be used to satisfy the annual CLE requirement. (Amended 12/26/02 pursuant to Promulgation Order No. 02-010)

Section 8 - Standards for Approval of Courses.

(a) General Standards. To be approved for credit, the CLE course or activity must satisfy the following:

- (1) The activity must have significant intellectual or practical content with the primary objective of increasing the participant's professional competence as a lawyer;
- (2) The activity must deal primarily with substantive legal issues, legal skills, practice issues, or legal ethics and professional responsibility.

(b) Legal Ethics or Professionalism Standards. In order to satisfy the legal ethics or professionalism credit requirement, the course or activity shall be devoted to the study of judicial or legal ethics and professional responsibility or professionalism, and shall include discussion of applicable judicial conduct codes, disciplinary rules, or statements of professionalism.

(c) The following activities shall not be accredited:

- (1) Activities that would be characterized as dealing primarily with personal self-improvement unrelated to professional competence as a lawyer;
- (2) Activities designed primarily to sell services or equipment;
- (3) Repeat live, video, audio, or CD-ROM CLE courses for which the member has already obtained CLE credit in the same reporting year.

Section 9 - Effective Date.

The effective date of this Rule shall be March 8, 2002. All active members are required to complete four (4) hours of CLE courses for the year 2002. Starting in 2003, and every year thereafter, unless otherwise ordered by this court, active members shall complete the total number of CLE course hours as required in this Rule.

Part H

TEMPORARY PRACTICE BY FOREIGN LAWYERS

(added pursuant to Promulgation Order No. 04-01, filed February 9, 2004)

(1) A lawyer who is admitted only in a non-United States jurisdiction shall not, except as authorized by this Rule or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law, or hold out to the public or otherwise represent that the lawyer is admitted

to practice law in this jurisdiction. Such a lawyer does not engage in the unauthorized practice of law in this jurisdiction when on a temporary basis the lawyer performs services in this jurisdiction that:

(a) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(b) are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the lawyer, or a person the lawyer is assisting, is authorized by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorized;

(c) are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute resolution proceeding held or to be held in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice;

(d) are not within paragraphs (b) or (c) and

(i) are performed for a client who resides or has an office in a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or

(ii) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization.

(e) are governed primarily by international law or the law of a non-United States jurisdiction.

(2) For purposes of this grant of authority, the lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and subject to effective regulation and discipline by a duly constituted professional body or a public authority.

**APPENDIX A
to Part F**

The out-of-state lawyer application shall include:

- (1) the applicant's residence and business address;
- (2) the name, address and phone number of each client sought to be represented;
- (3) the courts before which applicant has been admitted to practice and the respective period(s) of admission;
- (4) whether the applicant (a) has been denied admission pro hac vice in Guam, (b) had admission pro hac vice revoked in this state Guam, or (c) has otherwise formally been disciplined or sanctioned by any court in this state Guam. If so, specify the nature of the allegations; the name of the authority bringing such proceedings; the caption of the proceedings, the date filed, and what findings were made and what action was taken in connection with those proceedings;
- (5) whether any formal, written disciplinary proceeding has ever been brought against the applicant by a disciplinary authority in any other jurisdiction within the last five (5) years and, as to each such proceeding: the nature of the allegations; the name of the person or authority bringing such proceedings; the date the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings;
- (6) whether the applicant has been held formally in contempt or otherwise sanctioned by any court in a written order in the last five (5) years for disobedience to its rules or orders, and, if so: the nature of the allegations; the name of the court before which such proceedings were conducted; the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings (a copy of the written order or transcript of the oral rulings shall be attached to the application);
- (7) the name and address of each court or agency and a full identification of each proceeding in which the applicant has filed an application to appear pro hac vice in Guam within the preceding two years; the date of each application; and the outcome of the application;
- (8) an averment as to the applicant's familiarity with the rules of professional conduct, rules of discipline of the Supreme Court of Guam, local rules and court procedures of the court before which the applicant seeks to practice; and
- (9) the name, address, telephone number and bar number of an active member in good standing of the bar of Guam who will sponsor the applicant's pro hac vice request. The bar member will be the lawyer of record for the client(s) the applicant seeks to represent.
- (10) Optional: the applicant's prior or continuing representation in other matters of one or more of the clients the applicant proposes to represent and any relationship between such other matter(s) and the proceeding for which applicant seeks admission.
- (11) Optional: any special experience, expertise, or other factor deemed to make it particularly desirable that the applicant be permitted to represent the client(s) the applicant proposes to represent in the particular cause.

Appendix 1

Guam Bar Association
259 Martyr Street, Suite 201
Hagatna, Guam 96910
Tel: (671) 477-7010
Fax: (671) 477-9734
www. guambar.org

FOR GBA USE ONLY	
CLE hours:	_____
Ethics Hours:	_____
Reporting Year:	_____
Approved:	Y N
Approval/Denial Date:	_____

ATTORNEY APPLICATION FOR CLE CREDIT/ CERTIFICATION OF ATTENDANCE

- G** Check if new address of record.
1. Applicant Information:
Name: _____ Guam Bar Association ID Number: _____
Address: _____ Daytime Phone: _____
E-Mail Address: _____
2. Title of Program: _____
Course Sponsor: _____ Accrediting Institution: _____
3. Total CLE Hours: _____ including (_____) Ethics Hours
Date(s) of course: _____
Location(s): _____
4. Circle all that apply: LIVE VIDEO AUDIO CD-ROM IN-OFFICE SATELLITE
 TELECONFERENCE INTERNET TEACHING LECTURING
5. Course Registration Fee: \$ _____ Target Audience: Clients _____ Attorneys _____ Other _____
6. **Required Attachments for Course Attendees (live, in-office, self-study courses) :**
a. All courses: Program schedule *or* agenda (times are needed to verify credit hours), *and*
b. Courses not automatically approved for credit: Course materials (table of contents) *or* statement describing the subject matter (information is needed to determine whether course shall be approved for credit)
7. **Required Attachments for members seeking credit for Teaching or Lecturing:**
a. Statement certifying the number of hours spent in preparation for the class or lecture and number of hours spent delivering lecture to the audience (times are needed to verify credit hours), *and*
b. Course syllabus, lecture outline *or* statement describing the subject matter (information is needed to determine whether activity shall be approved for credit)
8. **Required Attachments for members seeking credit for GBA participation:**
a. Statement describing the officer's or committee's tasks, the scope of the member's participation and the number of hours actually expended attending meetings or working on assigned tasks
9. **CERTIFICATION:** I certify under the penalty of perjury that I attended _____ hours, including (_____) Ethics hours, of the above-named courses.
- Signature of Attorney: _____ Date: _____