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IN THE SUPREME COURT OF GUAM

RE:) Supreme Court of Guam
RELATIVE TO CANCELLING) Administrative Order No. ADM20-405
THE SEPTEMBER 2020 GUAM)
BAR EXAMINATION DUE TO)
CIRCUMSTANCES RELATED TO)
COVID-19 (CORONAVIRUS), and)
the ESTABLISHMENT OF A)
TEMPORARY SUPERVISED)
PRACTICE RULE)

In response to the growing public health concerns worldwide and in Guam, the Supreme Court has considered alternative approaches to novel issues and has modified numerous court practices in recent weeks. On April 9, 2020, this court, based on guidance from *I Maga'hågan Guåhan* (the Governor of Guam), the Guam Department of Public Health and Social Services, and other authorities, postponed the July 2020 administration of the Guam bar examination, finding that the COVID-19 (coronavirus) pandemic would have likely not abated to a degree that it would have been prudent to administer the bar examination. The Guam bar examination was rescheduled to September 9-10, 2020. *See* ADM20-219.

On August 14, 2020, due to the rising number of COVID-19 infections in Guam, *I Maga'håga* returned the island to Pandemic Condition of Readiness (PCOR) 1 for two weeks beginning August 16, 2020, through August 29, 2020. *See* Executive Order No. 2020-27. On

1 August 21, 2020, *I Maga'håga* further tightened restrictions through August 28, 2020, ordering all
2 but critical government and private operations to cease, prohibiting gatherings of more than ten
3 people, and ordering individuals to stay at home. *See* Executive Order No. 2020-28. On August
4 27, 2020, *I Maga'håga* extended Guam's state of public health emergency through September 30,
5 2020, extended the stay-at-home order for an additional period, through September 4, 2020, and
6 ordered that Guam remain in PCOR 1 status for an indeterminate period of time. *See* Executive
7 Order No. 2020-29.

9 The court recognizes the fluidity and uncertainty of these pandemic conditions, and that
10 these restrictions may be further extended or adjusted based on several factors. The court takes
11 seriously the health, safety, and well-being of applicants for the Guam bar examination, members
12 of the Guam Board of Law Examiners ("Board"), and the Board's administrative staff. Because
13 of these considerations, and current government restrictions on large gatherings, travel limitations,
14 and operational challenges in complying with social distancing guidelines, the court, under its
15 Organic Act authority to "govern ...the practice of law in Guam, including admission to practice
16 law and the conduct and discipline of persons admitted to practice law," 48 U.S.C. § 1424-1(a)(7),
17 now **ORDERS** that the September 2020 administration of the Guam bar examination scheduled
18 for September 9-10, 2020, is cancelled, given the COVID-19 (coronavirus) pandemic. The Board
19 will conduct the Guam bar examination at the next regularly scheduled time in February 2021.

21 Further, the court recognizes the severe hardship these delays have caused bar applicants
22 who have been preparing for the bar exam for months, and is committed to taking steps to mitigate
23 the impact of the delays through the institution of a supervised practice program. Therefore, under
24 the same Organic Act authority, the court sees fit to modify, temporarily, the requirements of Rule
25 2.01 of the Guam Rules Governing Admission to the Practice of Law relative to the general
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1 requirements for admission to the Guam bar, and **ORDERS** that a Temporary Supervised Practice
2 Rule (the “Rule”) is adopted, under which certain qualifying individuals may practice law under
3 supervision on a temporary basis in accordance with the requirements and procedures stated below.
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5 Temporary authorization to practice law under this Rule does not confer on the individual either a
6 plenary license or any vested or implied right to be licensed.

7 8 **1. ELIGIBILITY**

9 An eligible individual who timely registered for either, or both, the July 2020 Guam bar
10 examination or the September 2020 Guam bar examination is eligible for temporary admission to
11 the Guam bar, provided the following conditions are met:
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- 13 A. The applicant has been awarded a Juris Doctor degree from a law school accredited
14 by the American Bar Association;
- 15 B. The applicant attests that he/she is not currently subject to an order of attorney
16 discipline or of a pending formal disciplinary or disability investigation in any
17 jurisdiction;
- 18 C. The applicant has not been denied admission to practice law on character and fitness
19 grounds in any jurisdiction;
- 20 D. The applicant has read the Guam Rules of Professional Conduct;
- 21 E. The applicant associates with and is supervised by a member of the Guam bar in
22 good standing for at least five (5) years, (“supervising lawyer”) who shall assume
23 professional responsibility for ensuring that the work of the supervised individual
24 is competent and compliant with the Guam Rules of Professional Conduct;
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1 F. The applicant shall provide the name, address, and membership status of the
2 supervising lawyer, together with a signed verification by the supervising lawyer
3 of the applicant's association with and supervision by the supervising lawyer under
4 the conditions of the Temporary Supervised Practice Rule established in this Order;
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6 G. The applicant shall ensure that the supervising lawyer is identified on any paper
7 submitted to any court, government entity, or tribunal on which the applicant's
8 name appears;

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10 H. The applicant shall register for and take the Guam bar examination during its next
11 administration following this Order (scheduled for February 2021), or obtain a
12 written waiver from this court upon showing good cause or extenuating
13 circumstances for deferring this requirement until the next subsequent
14 administration of the Guam bar examination (scheduled for July 2021). The
15 registration fee paid by the applicant for the July 2020 or September 2020 Guam
16 bar examination shall be applied to the registration fee for the next Guam bar
17 examination, should the applicant apply; however, the applicant may be charged
18 the cost, if any, required by the National Conference of Bar Examiners to prepare
19 a supplemental character and fitness investigation report. Any subsequent Guam
20 bar examination the applicant registers for must be paid in full by the applicant.
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24 **2. APPLICATION PROCEDURE**

25 An applicant seeking admission under this Rule must fulfill the following:
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1 A. The proposed supervising lawyer must file a motion with this court seeking the
2 admission of the applicant under the Temporary Supervised Practice Rule. The
3 motion shall include the verification, consistent with Rule 1(F) above.

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5 B. The applicant shall file an affidavit with this court attesting to all the requirements
6 for eligibility set forth in this Rule, together with a Twenty-Five Dollar (\$25.00)
7 administrative processing fee payable to the Supreme Court of Guam.

8 Upon an applicant's satisfactory completion of the application process, and provided that
9 the applicant has the requisite good moral character and fitness to practice law and the applicant
10 has met the requirements of this Rule, the Supreme Court will certify the applicant for admission
11 under the terms and limitations of this Rule.
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14 **3. PERMITTED ACTIVITIES**

15 An individual admitted under this Temporary Supervised Practice Rule who has first taken
16 the oath of attorney referenced in Rule 7.01(e) of the Guam Rules Governing Admission to the
17 Practice of Law and has duly registered with the Guam Bar Association may engage in the
18 following activities under the ongoing supervision of the supervising lawyer:
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20 A. Counsel a client regarding legal issues after informing the client he or she has been
21 admitted under the Temporary Supervised Practice Rule;

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23 B. Prepare documents on behalf of a client, including documents that will be filed in court
24 or other tribunal, provided that the supervising lawyer's signature also appears on any
25 document filed in any court or other tribunal;
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1 C. Enter an appearance in court or before a government agency or tribunal for any
2 proceeding; the court, agency, or tribunal, in its respective discretion, may require the
3 individual to be accompanied by the supervising lawyer for such appearances.

4 D. Engage in any activity involved in the practice of law in Guam.

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6 Any individual temporarily admitted under this Rule shall be subject to the disciplinary
7 authority of the Supreme Court of Guam and the Guam Bar Ethics Committee and shall comply
8 with all applicable ethics and related rules of this jurisdiction. No individual admitted under this
9 Rule is permitted to advertise independently of the supervising lawyer.
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11 **4. DURATION**

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13 This Rule will be effective upon issuance of this Order. No otherwise eligible individual
14 will be permitted to apply for admission under this Rule after December 31, 2020. This Rule will
15 remain in effect and will continue to apply to any individual granted temporary admission under
16 this Rule. This Rule shall continue until 30 days after the results of the July 2021 Guam bar
17 examination are published, unless automatically terminated as set forth below.
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19 **5. AUTOMATIC TERMINATION**

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21 The authority to practice law conferred by this Rule shall terminate immediately if the
22 applicant:
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24 A. Fails to timely register for and take the Guam bar examination during its next
25 administration following this Order (scheduled for February 2021), or obtains a written
26 waiver from this court upon showing good cause or extenuating circumstances for
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1 deferring this requirement until the next subsequent administration of the Guam bar
2 examination (scheduled for July 2021); or

3 B. Fails to obtain a passing score on the Guam bar examination during its next
4 administration following this Order; however, if the applicant applies, within ten days
5 following receipt of non-passing score, to take the next subsequent Guam bar
6 examination (scheduled for July 2021), then temporary admission under this Rule shall
7 be extended to 30 days after the date examination results for the next subsequent bar
8 exam are published. Under no circumstances shall temporary supervised admission be
9 extended beyond 30 days after the results of the July 2021 Guam bar examination are
10 published; or

11 C. Obtains a passing score on the Guam bar examination during its next administration
12 following this Order and takes the oath of attorney required by Rule 7.01(e) of the
13 Guam Rules Governing Admission to the Practice of Law and submits a registration
14 and required dues to the Guam Bar Association;¹ or

15 D. Is subject to a formal charge in a disciplinary proceeding in any jurisdiction.

16 The authority to practice conferred by this Rule shall also terminate immediately if the
17 supervising lawyer ceases to be a member in good standing with the Guam bar or submits to this
18 court a withdrawal of the verification required by this Rule.

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27 ¹ Individuals admitted under this Rule shall pay the full amount of Guam Bar Association dues applicable;
28 however, at the termination of their temporary license under this Rule, the individual may seek from the Guam Bar
 Association a reimbursement of dues for the remaining number of months during which the individual is not licensed
 as a member of the Guam Bar Association under this Rule.

1 **6. REQUIRED ACTION AFTER TERMINATION**

2 Upon termination of the authority to practice under this Rule, the individual shall notify in
3 writing the Clerks of the Supreme Court and Superior Court of Guam, the District Court of Guam
4 (if any appearances were made there), all clients in pending matters, and opposing counsel in every
5 case of the termination of authority, and shall immediately cease practicing law in Guam.
6 Termination of authority to practice under this Rule is not the equivalent of disbarment or other
7 disciplinary action.
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10 **SO ORDERED** this 1st day of September, 2020.
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15 */s/*
16 **ROBERT J. TORRES**
17 Associate Justice

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20 **KATHERINE A. MARAMAN**
21 Associate Justice

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24 */s/*
25 **F. PHILIP CARBULLIDO**
26 Chief Justice
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