

FILED

2010 JAN 27 AM 9:01

SUPREME COURT OF GUAM

IN THE SUPREME COURT OF GUAM

| | | | |
|---|------------------------------|---|-----------------------------------|
| 6 | RE: |) | Supreme Court Case No. PRM 06-007 |
| 7 | ADOPTION OF THE AMENDED |) | |
| 8 | RULES GOVERNING |) | PROMULGATION ORDER |
| 9 | ADMISSION TO THE PRACTICE OF |) | NO. 06-007-05 |
| | LAW |) | |

10 The Supreme Court, upon notice from the National Conference of Bar Examiners (NCBE)
 11 of its fee increase relative to its character and fitness investigation reports, has revisited the Rules
 12 Governing Admission to the Practice of Law ("Admission Rules") and has proposed amendments
 13 to the following sections of these Rules: Rules 3.01(e), 3.04(a), and 4.01(d).

14 The substantive amendments will implement an overall increase of Fifty Dollars (\$50.00)
 15 for the application fee to take the Guam Bar Exam (Rules 3.04(a) and 4.01(d)), as well as for
 16 applications for temporary admission (Rule 3.01(e)). This increase reflects the Fifty Dollar (\$50.00)
 17 increase in the fee that NCBE charges for the preparation, processing, and completion of the
 18 character and fitness investigation, which all applicants for regular and temporary admission are
 19 required to undergo pursuant to the Admission Rules.

20 Therefore, pursuant to the authority to "govern ...the practice of law in Guam, including
 21 admission to practice law and the conduct and discipline of persons admitted to practice law," 48
 22 U.S.C. § 1424-1(a)(7), the Supreme Court hereby amends and restates Rules 3.01(e), 3.04(a), and
 23 4.01(d), respectively, to read as follows (amendments underlined):

24 **Rule 3.01. Application for Admission by Examination.**

25 (e) Guam has no admission by comity or reciprocity. Everyone must take the entire
 26 two-day examination unless eligible to take the Attorneys Exam pursuant to Rule 4.
 27 As a limited exception to this policy, and upon payment of an administrative fee to
 28 the Board in the amount of Three Hundred Seventy Five Dollars (\$375.00), a person
 who has been admitted as an attorney of the highest court of any state, district,
 commonwealth, territory or possession of the United States, and who is in good

26
 20100172

ORIGINAL

1 standing in such other jurisdiction may practice law in Guam as a temporary active
2 member of the Guam bar pursuant to order of the Chief Justice of the Supreme Court
3 of Guam for a period of five (5) years which shall run continuously and
4 uninterrupted from the day of the order, with such temporary practice of law
5 expressly limited to full time employment with the Government of Guam, its
6 agencies, offices, authorities, public corporations, branches, and instrumentalities,
7 and the Guam Legal Services Corporation. Any person who was a temporary
8 member of the Guam Bar and did not take the bar examination before the effective
9 date of this rule may be admitted pursuant to order of the Chief Justice for an
10 additional period of three (3) years which shall run continuously and uninterrupted
11 from the day of the latter order by the Chief Justice admitting said person as a
12 temporary active member of the Guam Bar. Any person who was a temporary
13 member of the Guam Bar and took the bar examination before the effective date of
14 this rule may be admitted pursuant to order of the Chief Justice for an additional
15 period of two (2) years which shall run continuously and uninterrupted from the day
16 of the latter order by the Chief Justice admitting said person as a temporary active
17 member of the Guam Bar. Such person(s) must seek an order from the Chief Justice
18 requesting the additional period of admission as a temporary active member of the
19 Guam Bar, and must pay the administrative fee in the amount of Three Hundred and
20 Seventy Five Dollars (\$375.00). However, for any person who is applying for
21 temporary admission under this rule and who has had a Character & Fitness Report
22 prepared by the NCBE within twelve (12) months of seeking temporary admission,
23 the administrative fee paid to the Board shall be Seventy-Five Dollars (\$75.00).

15 Under no circumstances may any person practice under temporary admission for
16 more than a cumulative, maximum total of five (5) years.

17 The Board shall inquire into the character and fitness of every person seeking
18 admission under this rule and any orders of temporary admission shall be expressly
19 conditioned upon the Board's subsequent certification of the person's character and
20 fitness to practice law. Any motion for temporary admission under this rule must be
21 accompanied by the Standard-07 Application which is the Character & Fitness
22 Request prepared by the NCBE. Any previous order by the Chief Justice admitting
23 a person as a temporary active member of the Guam Bar shall remain in full force
24 and effect.

24 **Rule 3.04. Fees and Refunds.**

25 (a) The regular filing fee for all applicants for the Guam Bar Examination is \$675.00.
26 The late filing fee is \$925.00 (\$675.00 regular filing fee, plus \$250.00 late fee). The
27 bar examination application fee is non-refundable except if an applicant withdraws
28 not less than twenty-one (21) days prior to an examination, the applicant shall be
refunded 50% of the regular filing fee, otherwise no portion of the fee paid shall be
refundable. The Board may, at its sole discretion, upon an applicant's showing in

1 writing of good cause therefore, allow the fees paid for a particular seating of the bar
2 examination to be applied to the next succeeding exam provided, however, that,
3 except upon a showing of extraordinary circumstances, such request is made not less
4 than ten (10) days prior to the commencement of the exam from which the applicant
5 is seeking to withdraw. The fee for an applicant who is a temporary member
(pursuant to Rule 3.01 (e)) shall be reduced by the cost of the character and fitness
6 investigation.

6 **Rule 4.01. Attorneys Exam.**

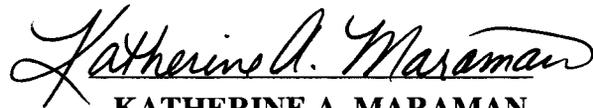
7 (d) Fees. The timely filing fee for admission by attorneys examination is \$1125.00.
8 The late filing fee is \$1375.00 (\$1125.00 timely filing fee, plus \$250.00 late filing
9 fee). The fee shall be submitted together with the application form required under
10 subsection (a)(1) of this section. If the Board determines on the face of the
11 application that the applicant is not qualified to sit for the attorneys examination and
12 the applicant elects to withdraw the application without further proceedings, all fees
13 shall be refunded. If in other circumstances an applicant withdraws the application
14 or fails to attend and take the examination without permission from the Board, no
15 fees will be refunded and the examination fee may not be applied to a subsequent
16 examination unless the applicant establishes good cause for the withdrawal or failure
17 to attend, provided, however, that, except upon a showing of extraordinary
18 circumstances, such request is made not less than ten (10) days prior to the
19 commencement of the exam from which the applicant is seeking to withdraw. The
20 fee for an applicant who is a temporary member (pursuant to Rule 3.01 (e)) shall be
21 reduced by the cost of the character and fitness investigation.

16 These Rules, as amended and restated, shall be permanently adopted and effective as of
17 this date.

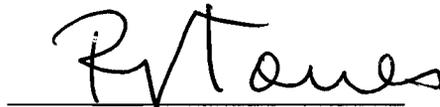
18 SO ORDERED this 27th day of January, 2010.

19 

20 **F. PHILIP CARBULLIDO**
21 Associate Justice

20 

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

23 

24 **ROBERT J. TORRES**
25 Chief Justice