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SUPREME COURT  
OF GUAM

IN THE SUPREME COURT OF GUAM

6	<b>RE:</b>	)	Supreme Court Case No. PRM 06-007
7	<b>ADOPTION OF THE INTERIM</b>	)	
8	<b>AMENDED RULES GOVERNING</b>	)	<b>PROMULGATION ORDER</b>
9	<b>ADMISSION TO THE PRACTICE OF</b>	)	<b>NO. 06-007-03</b>
	<b>LAW</b>	)	

11 The Supreme Court, upon meeting with representatives from the Attorney General's Office,  
 12 the Public Defender Service Corporation, and the Alternate Public Defender, has revisited the Rules  
 13 Governing Admission to the Practice of Law and has proposed amendments to the following  
 14 sections of these Rules: Rules 3.01(d),(e), 3.04(a), 3.08(b), and 4.01(c),(d).

16 The substantive amendments extend the maximum period of temporary admission from three  
 17 years to five years for all attorneys admitted temporarily to practice as a government attorney as  
 18 defined in these Rules, and will now require that the Board of Law Examiners inquire into the  
 19 character and fitness of all applicants for temporary admission (Rule 3.01(e)). Additionally, the  
 20 amendments will implement an overall increase of Seventy-Five Dollars (\$75) for the application  
 21 fee to take the Guam Bar Exam (Rules 3.01 (e) and 4.01 (d)), as well as institute a Three Hundred  
 22 and Twenty-Five Dollar (\$325) administrative fee for all applications for temporary admission (Rule  
 23 3.01 (e)). Finally, the time period within which any applicant for admission must pass or have  
 24 passed the Multi-State Professional Responsibility Exam is extended from one year to two years,  
 25 before or after passing the Essay/MPT/MBE exams (Rules 3.01(d) and 3.08(b)).

27 On August 6, 2008, these proposed amendments were circulated to members of the Guam  
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1 Bar Association for their review and comment. Comments on the proposed amendments will be  
2 received for thirty days from the date of this Order adopting these Interim Amended Rules.

3 Therefore, pursuant to the authority to “govern ...the practice of law in Guam, including  
4 admission to practice law and the conduct and discipline of persons admitted to practice law,” 48  
5 U.S.C. § 1424-1(a)(7), the Supreme Court hereby amends and restates Rules 3.01(d),(e), 3.04(a),  
6 3.08(b), and 4.01(c), (d), respectively, to read as follows (amendments underlined):  
7

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

9 (d) MBE transfers from earlier Guam administrations of the examination or from  
10 another jurisdiction are not accepted; however, scores of 80 scaled MPRE, or higher  
11 may be transferred from other jurisdictions for up to one year after the test date on  
12 which the passing score was achieved. Upon passing the Guam Bar Examination,  
13 an applicant must successfully sit for the MPRE examination within two (2) years  
14 of the test dates during which he/she passed the Guam Bar Examination.

15 ...

16 (e) Guam has no admission by comity or reciprocity. Everyone must take the entire  
17 two-day examination unless eligible to take the Attorneys Exam pursuant to Rule 4.  
18 As a limited exception to this policy, and upon payment of an administrative fee to  
19 the Board in the amount of Three Hundred Twenty Five Dollars (\$325), a person  
20 who has been admitted as an attorney of the highest court of any state, district,  
21 commonwealth, territory or possession of the United States, and who is in good  
22 standing in such other jurisdiction may practice law in Guam as a temporary active  
23 member of the Guam bar pursuant to order of the Chief Justice of the Supreme Court  
24 of Guam for a period of five (5) years which shall run continuously and  
25 uninterrupted from the day of the order, with such temporary practice of law  
26 expressly limited to full time employment with the Government of Guam, its  
27 agencies, offices, authorities, public corporations, branches, and instrumentalities,  
28 and the Guam Legal Services Corporation. Any person who was a temporary  
member of the Guam Bar and did not take the bar examination before the effective  
date of this rule may be admitted pursuant to order of the Chief Justice for an  
additional period of three (3) years which shall run continuously and uninterrupted  
from the day of the latter order by the Chief Justice admitting said person as a  
temporary active member of the Guam Bar. Any person who was a temporary  
member of the Guam Bar and took the bar examination before the effective date of  
this rule may be admitted pursuant to order of the Chief Justice for an additional  
period of two (2) years which shall run continuously and uninterrupted from the day  
of the latter order by the Chief Justice admitting said person as a temporary active  
member of the Guam Bar. Such person(s) must seek an order from the Chief Justice  
requesting the additional period of admission as a temporary active member of the  
Guam Bar, and must pay the administrative fee in the amount of Three Hundred and

1 Twenty Five Dollars ( \$325 ). The Board shall inquire into the character and fitness  
2 of every person seeking admission under this rule and any orders of temporary  
3 admission shall be expressly conditioned upon the Board's subsequent certification  
4 of the person's character and fitness to practice law. Any previous order by the Chief  
5 Justice admitting a person as a temporary active member of the Guam Bar shall  
6 remain in full force and effect.

7 **Rule 3.04. Fees and Refunds.**

8 (a) The regular filing fee for all applicants for the Guam Bar Examination is \$625.00.  
9 The late filing fee is \$875.00 (\$625.00 regular filing fee, plus \$250.00 late fee). The  
10 bar examination application fee is non-refundable except if an applicant withdraws  
11 not less than twenty-one (21) days prior to an examination, the applicant shall be  
12 refunded 50% of the regular filing fee, otherwise no portion of the fee paid shall be  
13 refundable. The Board may, at its sole discretion, upon an applicant's showing in  
14 writing of good cause therefore, allow the fees paid for a particular seating of the bar  
15 examination to be applied to the next succeeding exam provided, however, that such  
16 request is made not less than ten (10) days prior to the commencement of the exam  
17 from which the applicant is seeking to withdraw. The fee for an applicant who is a  
18 temporary member (pursuant to Rule 3.01 (e)) shall be reduced by the cost of the  
19 character and fitness investigation.

20 **Rule 3.08. Multistate Professional Responsibility Examination.**

21 .....

22 (b) The MPRE may be taken prior to or after the two-day Essay/MPT/MBE  
23 examinations. An applicant must pass the MPRE examination within two (2) years  
24 before or after the test date(s) during which the applicant passed the  
25 Essay/MPT/MBE exams.

26 **Rule 4.01. Attorneys Exam.**

27 (c) Attorney's Examination. The applicant shall bear the burden of establishing by  
28 clear and convincing evidence his/her eligibility for admission under this Section.  
A person who has satisfied the conditions set forth in subsection (a) of this Section  
shall only be required to take the attorney's examination, which shall consist of the  
following portions of the regular examination as described in Rule 3.06 of these  
Rules: the Multistate Essay Examination (MEE), Multistate Performance Test  
(MPT), and the Local Question. The attorney's examination shall not consist of the  
Multistate Bar Examination (MBE) component of the regular examination. Attorney

1 applicants are required to take and pass the MPRE, in accordance with Rule 3.08 of  
2 these Rules, as a condition of admission.

3 .....

4 (d) Fees. The timely filing fee for admission by attorneys examination is \$1075. The  
5 late filing fee is \$1325 (\$1075 timely filing fee, plus \$250.00 late filing fee). The fee  
6 shall be submitted together with the application form required under subsection  
7 (a)(1) of this section. If the Board determines on the face of the application that the  
8 applicant is not qualified to sit for the attorneys examination and the applicant elects  
9 to withdraw the application without further proceedings, all fees shall be refunded.  
10 If in other circumstances an applicant withdraws the application or fails to attend and  
11 take the examination without permission from the Board, no fees will be refunded  
12 and the examination fee may not be applied to a subsequent examination unless the  
13 applicant establishes good cause for the withdrawal or failure to attend, provided,  
14 however, that such request is made not less than ten (10) days prior to the  
15 commencement of the exam from which the applicant is seeking to withdraw. The  
16 fee for an applicant who is a temporary member (pursuant to Rule 3.01 (e)) shall be  
17 reduced by the cost of the character and fitness investigation.

18 These Interim Rules, as amended and restated, shall be effective as of August 8, 2008,  
19 and shall remain in effect until further ordered by this court.

20 **SO ORDERED** this 8<sup>th</sup> day of August, 2008.

21 

22 **F. PHILIP CARBULLIDO**  
23 Associate Justice

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25 **KATHERINE A. MARAMAN**  
26 Associate Justice

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28 **ROBERT J. TORRES**  
Chief Justice