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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 AMENDED</b>	)	
8	<b>RULES GOVERNING</b>	)	<b>PROMULGATION ORDER</b>
9	<b>ADMISSION TO THE PRACTICE OF</b>	)	<b>NO. 06-007-04</b>
	<b>LAW</b>	)	
		)	

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

15 The substantive amendments extend the maximum period of temporary admission from three  
 16 years to five years for all attorneys admitted temporarily to practice as a government attorney as  
 17 defined in these Rules, and will now require that the Board of Law Examiners inquire into the  
 18 character and fitness of all applicants for temporary admission (Rule 3.01(e)). Additionally, the  
 19 amendments will implement an overall increase of Seventy-Five Dollars (\$75) for the application  
 20 fee to take the Guam Bar Exam (Rules 3.04(a) and 4.01(d)), as well as institute a Three Hundred and  
 21 Twenty-Five Dollar (\$325) administrative fee for all applications for temporary admission (Rule  
 22 3.01(e)). Finally, the time period within which any applicant for admission must pass or have  
 23 passed the Multi-State Professional Responsibility Exam is extended from one year to two years,  
 24 before or after passing the Essay/MPT/MBE exams (Rules 3.01(d) and 3.08(b)). Non-substantive,  
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1 technical corrections have also been made to Rules 3.02(b), 4.01(c), and 7.01.<sup>1</sup>

2 On August 8, 2008, a Promulgation Hearing was held wherein the court adopted the  
3 proposed amendments on an interim basis. On August 6, 2008, these proposed amendments were  
4 circulated to members of the Guam Bar Association for their review and comment for a period of  
5 thirty (30) days. Comments on the proposed amendments have been received and considered.  
6

7 Therefore, pursuant to the authority to “govern ...the practice of law in Guam, including  
8 admission to practice law and the conduct and discipline of persons admitted to practice law,” 48  
9 U.S.C. § 1424-1(a)(7), the Supreme Court hereby amends and restates Rules 3.01(d),(e), 3.02(b),  
10 3.04(a), 3.08(b), and 4.01(c), (d), respectively, to read as follows (amendments underlined):  
11

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

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

19 ...

20 (e) Guam has no admission by comity or reciprocity. Everyone must take the entire  
21 two-day examination unless eligible to take the Attorneys Exam pursuant to Rule 4.  
22 As a limited exception to this policy, and upon payment of an administrative fee to  
23 the Board in the amount of Three Hundred Twenty Five Dollars (\$325), a person  
24 who has been admitted as an attorney of the highest court of any state, district,  
25 commonwealth, territory or possession of the United States, and who is in good  
26 standing in such other jurisdiction may practice law in Guam as a temporary active  
27 member of the Guam bar pursuant to order of the Chief Justice of the Supreme Court  
28 of Guam for a period of five (5) years which shall run continuously and  
uninterrupted from the day of the order, with such temporary practice of law  
expressly limited to full time employment with the Government of Guam, its  
agencies, offices, authorities, public corporations, branches, and instrumentalities,  
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

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<sup>1</sup> Two subsections of Rule 7.01 have been erroneously referred to as subsection (e). The second reference to subsection (e) should actually be subsection (h).

1 additional period of three (3) years which shall run continuously and uninterrupted  
2 from the day of the latter order by the Chief Justice admitting said person as a  
3 temporary active member of the Guam Bar. Any person who was a temporary  
4 member of the Guam Bar and took the bar examination before the effective date of  
5 this rule may be admitted pursuant to order of the Chief Justice for an additional  
6 period of two (2) years which shall run continuously and uninterrupted from the day  
7 of the latter order by the Chief Justice admitting said person as a temporary active  
8 member of the Guam Bar. Such person(s) must seek an order from the Chief Justice  
9 requesting the additional period of admission as a temporary active member of the  
10 Guam Bar, and must pay the administrative fee in the amount of Three Hundred and  
11 Twenty Five Dollars ( \$325 ). However, for any person who is applying for  
12 temporary admission under this rule and who has had a Character & Fitness Report  
13 prepared by the NCBE within twelve (12) months of seeking temporary admission,  
14 the administrative fee paid to the Board shall be Seventy-Five Dollars (\$75).

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.

### 25 **Rule 3.02. Application Forms.**

26 .....

27 (b) An application shall consist of: (1) the Registration Form; and (2) the Standard-07  
28 Application which is the Character & Fitness Request prepared by the NCBE.

### 29 **Rule 3.04. Fees and Refunds.**

30 (a) The regular filing fee for all applicants for the Guam Bar Examination is \$625.00.  
31 The late filing fee is \$875.00 (\$625.00 regular filing fee, plus \$250.00 late fee). The  
32 bar examination application fee is non-refundable except if an applicant withdraws  
33 not less than twenty-one (21) days prior to an examination, the applicant shall be  
34 refunded 50% of the regular filing fee, otherwise no portion of the fee paid shall be  
35 refundable. The Board may, at its sole discretion, upon an applicant's showing in  
36 writing of good cause therefore, allow the fees paid for a particular seating of the bar  
37 examination to be applied to the next succeeding exam provided, however, that,

1 except upon a showing of extraordinary circumstances, such request is made not less  
2 than ten (10) days prior to the commencement of the exam from which the applicant  
3 is seeking to withdraw. The fee for an applicant who is a temporary member  
4 (pursuant to Rule 3.01 (e)) shall be reduced by the cost of the character and fitness  
5 investigation.

6  
7 **Rule 3.08. Multistate Professional Responsibility Examination.**

8 .....

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

13 **Rule 4.01. Attorneys Exam.**

14 (c) Attorney's Examination. The applicant shall bear the burden of establishing by  
15 clear and convincing evidence his/her eligibility for admission under this Section.  
16 A person who has satisfied the conditions set forth in subsection (a) of this Section  
17 shall only be required to take the attorney's examination, which shall consist of the  
18 following portions of the regular examination as described in Rule 3.06 of these  
19 Rules: the Multistate Essay Examination (MEE), Multistate Performance Test  
20 (MPT), and the Local Question. The attorney's examination shall not consist of the  
21 Multistate Bar Examination (MBE) component of the regular examination. Attorney  
22 applicants are required to take and pass the MPRE, in accordance with Rule 3.08 of  
23 these Rules, as a condition of admission.

24 .....

25 (d) Fees. The timely filing fee for admission by attorneys examination is \$1075. The  
26 late filing fee is \$1325 (\$1075 timely filing fee, plus \$250.00 late filing fee). The fee  
27 shall be submitted together with the application form required under subsection  
28 (a)(1) of this section. If the Board determines on the face of the application that the  
applicant is not qualified to sit for the attorneys examination and the applicant elects  
to withdraw the application without further proceedings, all fees shall be refunded.  
If in other circumstances an applicant withdraws the application or fails to attend and  
take the examination without permission from the Board, no fees will be refunded  
and the examination fee may not be applied to a subsequent examination unless the  
applicant establishes good cause for the withdrawal or failure to attend, provided,  
however, that, except upon a showing of extraordinary circumstances, such request  
is made not less than ten (10) days prior to the commencement of the exam from  
which the applicant 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 investigation.

1 **Rule 7.01. Admission Procedure.**

2 .....  
3 (h) Guam Bar Membership. No person is authorized to practice law on Guam,  
4 unless that person is a member in good standing of the Guam Bar Association,  
5 an integrated bar association.

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

8 **SO ORDERED** this 14<sup>th</sup> day of October, 2008.

9 

10 **F. PHILIP CARBULLIDO**  
11 Associate Justice

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13 **KATHERINE A. MARAMAN**  
14 Associate Justice

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16 **ROBERT J. TORRES**  
17 Chief Justice