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SUPREME COURT  
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**IN THE SUPREME COURT OF GUAM**

<b>RE:</b>	)	Supreme Court Case No. PRM08-003
	)	
<b>ADOPTION OF INTERIM RULES</b>	)	
<b>REGARDING PROCEDURES</b>	)	<b>PROMULGATION ORDER NO.</b>
<b>BEFORE THE GUAM BAR</b>	)	<b>PRM08-003-01</b>
<b>ASSOCIATION'S PROFESSIONAL</b>	)	
<b>ETHICS AND UNAUTHORIZED</b>	)	
<b>PRACTICE OF LAW COMMITTEE</b>	)	
	)	

On December 24, 2008 the Guam Bar Association's Ethics Committee together with the Board of Governors recommended the Supreme Court of Guam adopt Interim Rules regarding the procedures before the Guam Bar Association's Professional Ethics and Unauthorized Practice of Law Committee. Comments on the proposed interim rules were due on or before February 27, 2009. At the promulgation hearing on March 18, 2009 Attorney Bruce Bradley, Ethics Prosecutor, reported that no comments to the proposed rules were received.

Therefore, pursuant to Section 1424-1(7) of the Organic Act of Guam which expressly authorizes this Court to "govern attorney . . . ethics and the practice of law in Guam, including . . . the conduct and discipline of persons admitted to practice law," notwithstanding current procedural rules, the Interim Rules below regarding procedures before the Guam Bar Association Ethics Committee are hereby adopted effective immediately and shall remain in effect until further order of this Court and shall apply to all ethics matters arising after their adoption as well as to all pending ethics matters commenced prior to their adoption except to the extent that

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1 application of these Interim Rules to those pending matters would not be feasible, or would work  
2 injustice, in which event the prior applicable rules shall apply.

3 Through Promulgation Order 99-004 this court made certain amendments to the Rules of  
4 Procedure for Disciplinary Proceedings of the Guam Bar Ethics Committee (the "Rules")  
5 regarding practices and procedures of the Ethics Committee. The purposes of these Interim  
6 Rules, in an effort to continue maximizing the efficiency of the attorney disciplinary system, are  
7 as follows:  
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9 1. To correct a drafting error in Rule 19 of the Rules of Procedure for Disciplinary  
10 Proceedings of the Guam Bar Ethics Committee. When the Rules were amended through  
11 Promulgation Order 99-004 on December 23, 1999 there is no indication of any intent on the part  
12 of this Court to alter Rule 19. The then-existing text of Rule 19 was inadvertently deleted and  
13 replaced by the text of Rule 2-2 of the Supreme Court of Guam's Rules for the Discipline of  
14 Attorneys. Rule 2-2 of those Rules was added through Promulgation Order 99-003 on December  
15 22, 1999, just one day prior to the adoption of Promulgation order 99-004 wherein the error  
16 occurred. The prior language of Rule 19 should properly be reinstated.  
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18 2. To amend Rule 18 of the Rules of Procedure for Disciplinary Proceedings of the  
19 Guam Bar Ethics Committee to clarify its meaning with regard to informing a complainant of the  
20 disposition of their complaint, notwithstanding the confidentiality provision of Rule 2 of those  
21 Rules.

22 3. To allow for the appointment of seven (7) active members of the Guam Bar  
23 Association who are not current members of the Ethics Committee who will act solely as the  
24 adjudicative body in formal attorney disciplinary proceedings consistent with the relevant Rules.  
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1 **INTERIM RULES**

2 **Interim Rule 1.0:** Rule 19 of the Rules of Procedure for Disciplinary Proceedings of  
3 the Guam Bar Ethics Committee is hereby amended to state as follows:

4 (a) If the matter is to be concluded by either public or private reprimand, the  
5 Committee shall notify the respondent in writing of the proposed disposition and  
6 of his right to demand in writing that the matter be disposed of by a formal  
7 proceeding if his written objection is filed within fifteen (15) days of the receipt  
8 of notice.

9 (b) If the respondent files a timely objection the admonition shall become void  
10 and the matter shall be disposed of by a formal proceeding.

11 **Interim Rule 2.0:** Rule 18 of the Rules of Procedure for Disciplinary Proceedings of  
12 the Guam Bar Ethics Committee is hereby amended to state as follows:

13 “Rule 18: Notification of Complainant: Notwithstanding the general  
14 confidentiality provision of Rule 2, the complainant shall be notified, by the  
15 prosecuting counsel, in writing, within a reasonable time, of the disposition of the  
16 matter.”

17 **Interim Rule 3.0:**

18 (A) Establishment of Adjudicative Committee: In order to separate the investigative and  
19 adjudicative functions of the Guam Bar Ethics Committee, a separate hearing panel designated as  
20 the Adjudication Committee is hereby established. The Adjudication Committee shall consist of  
21 seven (7) active members of the Guam Bar Association. Members of the Adjudication  
22 Committee and its Chair and Vice-Chair shall be appointed by the President of the Guam Bar  
23 Association in the same manner as provided for the appointment of members and officers of the  
24 Ethics Committee. Alternate members of the Adjudication Committee may also be appointed at  
25 the discretion of the President of the Guam Bar in the same manner. No member of the Ethics  
26 Committee shall serve as a member of the Adjudication Committee. A quorum of the  
Adjudication Committee shall consist of four members and no action for the imposition or

1 recommendation of any discipline, or for the dismissal of any formal disciplinary proceeding,  
2 may be taken without the concurrence of four members.

3 (B) Respective Jurisdiction of Ethics and Adjudicative Committees:

4 A formal disciplinary proceeding is commenced with the filing of a specification of  
5 charges pursuant to Rule 20 of the Rules of Procedure for Disciplinary Proceedings of the Guam  
6 Bar Association. All specifications of charges shall be filed with the Chair of the Adjudication  
7 Committee. Prior to the commencement of a formal disciplinary proceeding in any matter, the  
8 Ethics Committee shall continue to exercise exclusive jurisdiction and authority in such matter to  
9 administer and enforce the Supreme Court's Rules for the Discipline of Attorneys, the Rules of  
10 Procedure for Disciplinary Proceedings of the Guam Bar Association, and all other statutes and  
11 rules relating to the discipline of attorneys in Guam. In any matter in which a formal disciplinary  
12 proceeding has commenced, the Adjudication Committee shall have exclusive jurisdiction and  
13 authority to conduct the proceeding in such matter, determine all issues of fact and law arising  
14 therein and take such action as the Ethics Committee is authorized to take under the Supreme  
15 Court's Rules for the Discipline of Attorneys or the Rules of Procedure for Disciplinary  
16 Proceedings of the Guam Bar Association.

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19 SO ORDERED this 25<sup>th</sup> day of March, 2009.

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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, JR.  
29 Chief Justice