



SUPREME COURT OF GUAM
Kotten Mås Takheló Guáhan

February 23, 1999

TO: All Guam Bar Members
FR: Lance A. Cantos, Staff Attorney
RE: Promulgation Order: 99-022 (As Amended)

Promulgation Order 99-022, originally filed on February 22, 1999, has been amended as of February 23, 1999 to reflect a change in the caption only. Neither the language of the order nor the body of Rule 2-2 of the Guam Rules for the Discipline of Attorneys has been amended, changed or altered.

Should any of you have questions as to the above matter, I can be reached at phone number 475-3395.

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SUPREME COURT
OF GUAM
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IN THE SUPREME COURT OF GUAM

ADOPTION OF RULE 2-2 OF THE SUPREME
COURT RULES FOR THE DISCIPLINE OF
ATTORNEYS.

Promulgation Order: 99-002
(As Amended)

The Supreme Court of Guam, having considered the matter on February 19, 1999, has adopted the following as Rule 2-2 of the Supreme Court of Guam Rules for the Discipline of Attorneys:

When a private reprimand has been recommended and approved by the Ethics Committee, Prosecuting Counsel shall advise the respondent-attorney by letter that a private reprimand has been proposed; that the respondent may accept or reject the private reprimand; that if accepted, a copy of the private reprimand is part of the respondent's official bar membership records and that the fact thereof may be offered in evidence during the course of a hearing on any formal charges that might be filed against the respondent upon future complaints; that the fact of a private reprimand will be disclosed upon inquiry from other jurisdictions in matters of bar admissions and discipline; that if the private reprimand is rejected, Prosecuting Counsel is required to file the proposed discipline pursuant to the Guam Rules for the Discipline of Attorneys; and that documents, files and proceedings filed with the Supreme Court will not be sealed.

The respondent-attorney shall have twenty (20) days from date of service or mailing of the letter to accept or reject the proposed private discipline. If the respondent fails to accept or reject the proposed letter within the specified time period, Prosecuting Counsel shall initiate proceedings in the Supreme Court pursuant to the Guam Rules for the Discipline of Attorneys.

If the proposed private reprimand is rejected by the respondent-attorney, disciplinary counsel shall initiate proceedings in the Supreme Court pursuant to the Guam Rules for the Discipline of Attorneys. If the private reprimand is accepted by the respondent-attorney, such discipline shall not be transmitted to the Supreme Court of Guam, whether imposed by stipulation or after a disciplinary hearing.

Drafting Note: This rule recognizes that the Ethics Committee is the final arbiter in disciplinary matters in which a private reprimand is imposed. The Supreme Court will not consider such matters unless the respondent seeks review. The rule also creates an exception to the Rules of the Guam Bar Ethics Committee Governing Discipline whereby findings of fact, conclusions of law and recommendation for discipline are submitted to the Supreme Court when the discipline imposed is a private reprimand rendered after a hearing.

Source: S.Ct. N.M. Rule of Discipline 17-308.

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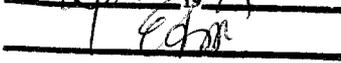
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2 The above Rule 2-2 shall take effect immediately upon issuance of this order.

3 So ORDERED, this 23rd day of February 1999.

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6 
7 JANET HEALY WEEKS
8 Associate Justice


PETER C. SIGUENZA
Chief Justice

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10 I do hereby certify that the foregoing
11 is a full true and correct copy of the
12 original on file in the office of the
13 clerk of the Supreme Court, Guam
14 Dated at Agaña, Guam
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