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IN THE SUPREME COURT OF GUAM
SUPREME COURT OF GUAM

<p>RE:</p> <p>ADOPTION OF THE AMENDED RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW</p>	<p>) Supreme Court Case No. PRM06-007</p> <p>)</p> <p>) PROMULGATION ORDER</p> <p>) NO. 06-007-08</p> <p>)</p> <p>)</p>
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The Supreme Court, upon notice from the National Conference of Bar Examiners (NCBE) of its fee increase relative to its character and fitness investigation reports, has revisited the Rules Governing Admission to the Practice of Law ("Admissions Rules") and has proposed amendments to the following sections of these Rules: Rules 3.01(e), 3.04(a), and 4.01(d).

The substantive amendments will implement an overall increase of \$75.00 for the application fee to take the Guam Bar Exam (Rules 3.04(a) and 4.01(d)), as well as for applications for temporary admission (Rule 3.01(e)). This increase reflects the \$75.00 increase in the fee that NCBE charges for the preparation, processing, and completion of the character and fitness investigation, which all applicants for regular and temporary admission are required to undergo pursuant to the Admissions Rules.

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

Rule 3.01. Application for Admission by Examination.

(e) Guam has no admission by comity or reciprocity. Everyone must take the entire two-day examination unless eligible to take the Attorneys Exam pursuant to Rule 4. As a limited exception to this policy, and upon payment of an administrative fee to the Board in the amount of \$450.00, 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,

1 and who is in good standing in such other jurisdiction may practice law in Guam as a
2 temporary active member of the Guam bar pursuant to order of the Chief Justice of the
3 Supreme Court 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 expressly
5 limited to full time employment with the Government of Guam, its agencies, offices,
6 authorities, public corporations, branches, and instrumentalities, and the Guam Legal
7 Services Corporation. Any person who was a temporary member of the Guam Bar and
8 did not take the bar examination before the effective date of this rule may be admitted
9 pursuant to order of the Chief Justice for an additional period of three (3) years which
10 shall run continuously and uninterrupted from the day of the latter order by the Chief
11 Justice admitting said person as a temporary active member of the Guam Bar. Any
12 person who was a temporary member of the Guam Bar and took the bar examination
13 before the effective date of this rule may be admitted pursuant to order of the Chief
14 Justice for an additional period of two (2) years which shall run continuously and
15 uninterrupted from the day of the latter order by the Chief Justice admitting said person
16 as a temporary active member of the Guam Bar. Such person(s) must seek an order from
17 the Chief Justice requesting the additional period of admission as a temporary active
18 member of the Guam Bar, and must pay the administrative fee in the amount of \$450.00.
19 However, for any person who is applying for temporary admission under this rule and
20 who has had a Character & Fitness Report prepared by the NCBE within twelve (12)
21 months of seeking temporary admission, the administrative fee paid to the Board shall be
22 \$75.00.

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

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

Rule 3.04. Fees and Refunds.

(a) The regular filing fee for all applicants for the Guam Bar Examination is \$750.00. The late filing fee is \$1000.00 (\$750.00 regular filing fee, plus \$250.00 late fee). The bar examination application fee is non-refundable except if an applicant withdraws 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

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

8 **Rule 4.01. Attorneys Exam.**

9 (d) Fees. The timely filing fee for admission by attorney's examination is \$1200.00. The
10 late filing fee is \$1450.00 (\$1200.00 timely filing fee, plus \$250.00 late filing fee). The
11 fee shall be submitted together with the application form required under subsection (a)(1)
12 of this section. If the Board determines on the face of the application that the applicant is
13 not qualified to sit for the attorney's examination and the applicant elects to withdraw the
14 application without further proceedings, all fees shall be refunded. If in other
15 circumstances an applicant withdraws the application or fails to attend and take the
16 examination without permission from the Board, no fees will be refunded and the
17 examination fee may not be applied to a subsequent examination unless the applicant
18 establishes good cause for the withdrawal or failure to attend, provided, however, that,
19 except upon a showing of extraordinary circumstances, such request is made not less than
20 ten (10) days prior to the commencement of the exam from which the applicant is seeking
21 to withdraw. The fee for an applicant who is a temporary member (pursuant to Rule 3.01
22 (e)) shall be reduced by the cost of the character and fitness investigation.

23 These Rules, as amended and restated, shall be permanently adopted immediately
24 effective as they relate to fees for applications for temporary admission, and beginning with the
25 July 2013 Guam Bar Exam as they relate to fees for admission by regular exam and attorney's
26 exam.

27 **SO ORDERED** this 20th day of December, 2012.

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ROBERT J. TORRES
Associate Justice



KATHERINE A. MARAMAN
Associate Justice



F. PHILIP CARBULLIDO
Chief Justice