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Supreme Court of Guam, Clerk of Court

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IN THE SUPREME COURT OF GUAM

RE)	Supreme Court Case No. PRM18-002
)	
AMENDMENTS TO THE RULES)	PROMULGATION ORDER
AND BY-LAWS OF THE GUAM BAR)	NO. 18-002-01
ASSOCIATION.)	
)	

The President of the Guam Bar Association (GBA) filed with this court a certification that a Notice of Referendum dated October 11, 2017, was mailed to active members of the GBA, and that by the majority of the ballots cast, the membership approved certain amendments to the GBA Rules and By-laws. *See* President’s Certification of Referendum Results and Petition for Immediate Adoption, Supreme Court Case No. SPR18-001 (Feb. 26, 2018) (attached hereto). Specifically, the amendments the GBA petitions the court for immediate adoption relate to the method of notice regarding meetings, allowing notice by e-mail rather than regular mail, and suspending the requirement that all meetings be conducted pursuant to Robert’s Rule of Order. The amendments proposed appear below.

GBA Rule 6, Board of Governors, Section 4: Notice.

Section 4: Notice. At least five (5) days’ notice of the time and place of each annual or special meeting shall be given in writing by ~~mail~~ sending to the official e-mail address identified by the member in his/her annual registration form to each member at his address shown on the records of the GUAM BAR ASSOCIATION. The notice requirement may be shortened when deemed necessary by the Board of Governors due to extraordinary circumstances.

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1 **GBA By-laws ARTICLE XIII MISCELLANEOUS PROVISIONS**

2 **Section 1. RULES OF ORDER.** At all meetings of the members of the GUAM
3 BAR ASSOCIATION, its Board of Governors, or any committee or section
4 thereof, ~~Robert’s Rule of Order, Revised (75th Anniversary Edition) shall govern~~
5 ~~as to parliamentary procedure~~ the Chairman shall designate the procedures in
6 which to conduct the meeting in an effective and efficient manner of business,
7 except where such rules shall conflict with any provision of the Rules or By-
8 Laws of the GUAM BAR ASSOCIATION.

9 Therefore, on the certification of the GBA President as to the referendum results, and
10 pursuant to this court’s authority to “govern ...the practice of law in Guam, including admission
11 to practice law and the conduct and discipline of persons admitted to practice law,” 48 U.S.C. §
12 1424-1(a)(7), the Supreme Court hereby adopts the following amendments, which shall be
13 effective immediately.

14 **GBA Rule 6, Board of Governors, Section 4: Notice.**

15 **Section 4: Notice.** At least five (5) days’ notice of the time and place of each
16 annual or special meeting shall be given in writing to each member by sending to
17 the official e-mail address identified by the member in his/her annual registration
18 form on the records of the GUAM BAR ASSOCIATION. If, however, no
19 official e-mail address is provided on a member’s most recent annual registration
20 form, then notice shall be sent to the member’s last known mailing address. The
21 notice requirement may be shortened when deemed necessary by the Board of
22 Governors due to extraordinary circumstances.

23 **GBA By-laws ARTICLE XIII MISCELLANEOUS PROVISIONS**

24 **Section 1. RULES OF ORDER.** At all meetings of the members of the GUAM
25 BAR ASSOCIATION, its Board of Governors, or any committee or section
26 thereof, the Chairman shall designate the procedures in which to conduct the
27 meeting in an effective and efficient manner of business, except where such rules
28 shall conflict with any provision of the Rules or By-Laws of the GUAM BAR
ASSOCIATION.

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SUPREME COURT
OF GUAM

IN THE SUPREME COURT OF GUAM

IN THE MATTER OF THE

) Special Proceedings Case No. **SPR18-001**

GUAM BAR ASSOCIATION.

)
)
) **PRESIDENT'S CERTIFICATION OF**
) **REFERENDUM RESULTS AND**
) **PETITION FOR IMMEDIATE**
) **ADOPTION**

COMES NOW the President of the Guam Bar Association, Jacqueline Taitano Terlaje, duly elected and sworn-in on the 25th day of August, 2017, and hereby certifies and files with the Court the action of the active members of the GBA by Notice of Referendum dated October 11, 2017. By the majority of the ballots cast by the active members of the GBA, the membership approved the repeal of the requirement of Robert's Rules of Order, and to amend the notice requirement to implement email notice to all members.

Pursuant to Article XIII, Section 7 of the Bylaws and Rule 7, the following was adopted (the modifications adopted are underlined, and the prior language is struck out):

Bylaws, Article XIII, Section I to read:

At all meetings of the members of the Guam Bar Association, its Board of Governors, or any committee or section thereof, ~~Robert's Rule of Order, Revised (75th Anniversary Edition)~~ shall govern as to parliamentary procedure the Chairman shall designate the procedures in which to conduct the meeting in an effective and efficient manner of

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1 business, except where such rules shall conflict with any provision of
2 Rules of By-laws of the Guam Bar Association.

3
4 Rule 6, Board of Governors, Section 4: Notice to read:

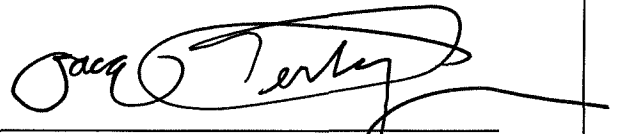
5
6 At least five (5) days' notice of the time and place of each annual or
7 special meeting shall be given in writing by ~~mail~~ sending to the official e-
8 mail address identified by the member in his/her annual registration
9 form on the records of the GUAM BAR ASSOCIATION. The notice
10 requirement may be shortened when deemed necessary by the Board of
11 Governors due to extraordinary circumstances.

12 As the duly elected President and the Chairperson of the Board of Governors, I hereby
13 certify and file with the Court the action of the active members and respectfully request that
14 upon motion, the Court immediately adopt the above referenced Rule and Bylaw, as
15 modified, effective on today's date. A true and correct copy of the certification forwarded
16 to the Court on November 13, 2017, and the Referendum are attached hereto.

17
18 RESPECTFULLY SUBMITTED this 26th day of February, 2018.

19
20 **GUAM BAR ASSOCIATION**

21
22 By:



23 **JACQUELINE TAITANO TERLAJE**
24 President

As the duly elected President, I hereby certify and file with the Court the action of the active members and respectfully request that upon motion, the Court adopt the above referenced Rule and Bylaw, as modified. In addition, consistent with the approval of email notice, I would also request that the Court upon its own motion, adopt a registration requirement mandating that all classes of membership provide an official email address which shall be utilized for notices required under the GBA Rules and Bylaws.

I would further respectfully request your immediate action due to the pending release of all registration materials before Thanksgiving.

Senseremente,

A handwritten signature in black ink, appearing to read "Jacqueline Taitano Terlaje", written in a cursive style.

JACQUELINE TAITANO TERLAJE
President

cc: (1) Enclosure

BOARD OF GOVERNORS

JACQUELINE TAITANO TERLAJE
President
JOHN C. TERLAJE
Treasurer
JOAQUIN C. ARRIOLA, JR.
Member-At-Large
JEHAN'AD MARTINEZ
Past President

MINAKSHI V. HEMLANI
Vice President
PHIL J. TYDINGCO
Secretary
SERGE QUENGA
Member-At-Large



October 11, 2017

TO: The Membership of the Guam Bar Association

NOTICE

Pursuant to GBA Bylaws, Article XIII Miscellaneous Provisions, Section 6, a two-thirds approval by the Board of Governors may refer and submit matters to the membership for vote:

WHEREAS, on Friday, September 15, 2017, the Board of Governors held a special meeting at 284 W. Chalan Santo Papa, Hagåtña, Guam 96910;

WHEREAS, the Board of Governors on motion unanimously approved the enclosed questionnaire and ballot to be submitted to the membership for vote to address the following issues:

- (i) Removal of the requirement of Robert's Rules of Order; and
- (ii) Modify the notice requirements from "mailing" to email notification.

INSTRUCTIONS FOR REFERENDUM/BALLOT

In order to ensure that your VOTE in this Referendum is counted, please do the following:

→ Print your full name → Sign → Date

Return your BALLOT no later than October 30, 2017 to the Guam Bar Association office.

Please be advised that this Referendum is not being conducted in SECRET BALLOT, if you wish to remain anonymous, please return the Referendum to the Guam Bar Association in a blank sealed envelope with an exterior envelope which contains the following:

→ Printed full name → Signature → Date

Completed REFERENDUM BALLOTS MUST include your full name, signature, date, and MUST be received no later than October 30, 2017. You may send your completed ballot via one of the following methods:

- Fax to (671) 648-9002
- Email to info@guambar.org
- U.S. Postal Mail to 284 West Chalan Santo Papa Hagatna, Guam 96910
- Personal delivery to 284 West Chalan Santo Papa Hagatna, Guam 96910

SI YU'OS MA'ASE FOR PARTICIPATING IN THIS REFERENDUM



**GUAM BAR
ASSOCIATION**

Contact Information:
284 West Chalan Santo Papa
Hagåtña, Guam 96910
Telephone 671.989.4227
www.guambar.org
info@guambar.org

REFERENDUM

→ Print Name _____
→ Sign _____
→ Date _____

QUESTIONNAIRE NO. 1

The current Bylaws require that all meetings be conducted utilizing Robert's Rule of Order. GBA Bylaws, Article XIII Miscellaneous Provisions, Section 1. Rules of Order provides: At all meetings of the members of the GUAM BAR ASSOCIATION, its Board of Governors, or any committee or section thereof, Robert's Rule of Order, Revised (75th Anniversary Edition) shall govern as to parliamentary procedure, except where such rules shall conflict with any provision of the Rules or By-Laws of the GUAM BAR ASSOCIATION.

Shall the GBA modify GBA Bylaws, Article XIII, Section I to read –

At all meetings of the members of the Guam Bar Association, its Board of Governors, or any committee or section thereof, the Chairman shall designate the procedures in which to conduct the meeting in an effective and efficient manner of business, except where such rules shall conflict with any provision of Rules of By-laws of the Guam Bar Association.

YES

NO

QUESTIONNAIRE NO. 2

The current GBA Rules require that notice be sent in writing via "mail". The GBA has interpreted this provision to be via U.S. Postal Service. GBA Rule 6, Board of Governors, Section 4: Notice provides:

At least five (5) days' notice of the time and place of each annual or special meeting shall be given in writing by mail to each member at his address shown on the records of the GUAM BAR ASSOCIATION. The notice requirement may be shortened when deemed necessary by the Board of Governors due to extraordinary circumstances.

Due to the advancement of technology and communication, and the ability to communicate through various non-mailing methods, the Board of Governors submits the following questionnaire to the Membership:

Shall the GBA motion the Supreme Court of Guam to modify membership notice requirements GBA Rule 6, Section 4 to read:

GBA Rule 6, Board of Governors, Section 4: Notice

At least five (5) days' notice of the time and place of each annual or special meeting shall be given in writing by sending to the official e-mail address identified by the member in his/her annual registration form on the records of the GUAM BAR ASSOCIATION. The notice requirement may be shortened when deemed necessary by the Board of Governors due to extraordinary circumstances.

YES

NO