


MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 292 (EC)

Introduced by:

FT Ishizaki 

2008 MAY 12 PM 3:33 JH

AN ACT TO REPEAL AND RE-ENACT § 9A114 AND
TO REPEAL §9A114A, BOTH OF CHAPTER 9A OF
TITLE 7 OF THE GUAM CODE ANNOTATED,
RELATIVE TO GOVERNMENT ATTORNEYS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1.** Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that there
3 has been a shortage of attorneys at the Office of the Attorney General of Guam. This
4 shortage has impeded in the Office's function to successfully prosecute crimes that severely
5 affect our community at large. *I Liheslatura* further finds that there exists a pool of
6 qualified and experience legal professionals who are barred in other U.S. jurisdictions that
7 are willing to work as a prosecutor for the Office of the Attorney General of Guam, but are
8 discouraged due to provisions that require those employed by the government to pass the
9 Guam Bar Examination within three (3) years. It is the intent of *I Liheslatura* to allow for
10 those qualified and experienced attorneys to be employed as attorneys within the
11 government of Guam.

12 **Section 2.** § 9A114 of Chapter 9A of Title 7 of the Guam Code Annotated is hereby
13 *repealed and re-enacted* to read:

14 **§ 9A114. Special Provisions for Government Attorneys.**

15 Any person employed as an attorney by the government of Guam or by the United
16 States may be admitted temporarily without written examination and only for the purposes
17 of such employment if, upon application, the Board determines that the person meets the
18 qualifications of subsections (b) through (f) of §9A113 of this Article; and

- 1 (1) is admitted to practice in the highest court of a state or territory of the United
2 States or of the District of Columbia;
- 3 (2) must have not taken and failed the Guam Bar Exam;
- 4 (3) has never received professional discipline of suspension, disbarment, or loss
5 of license in any other jurisdiction;
- 6 (4) is professionally, morally and ethically qualified for admission to the Bar of
7 Guam and the admission of such person would be in the best interest of the
8 Territory; and
- 9 (5) has been lawfully engaged in the active practice of law in any state or
10 territory for at least eight (8) of the last ten (10) years immediately preceding
11 the filing of the application. For purposes of this section, the "active practice
12 of law" shall include the following activities:
 - 13 (i) Representation of one or more clients in the practice of law;
 - 14 (ii) Service as a lawyer with a local, state or federal agency,
15 including military service, with the primary duties of
16 furnishing legal counsel, drafting legal documents and
17 pleadings, interpreting and giving advice regarding the law or
18 preparing, trying or presenting cases before courts,
19 departments of government or administrative agencies;
 - 20 (iii) Service as corporate counsel with the same primary duties as
21 described in subsection (5)(ii) above;
 - 22 (iv) Employment as a teacher of law at a law school or an
23 institution of higher learning, such as a college or university,
24 throughout the applicant's employment;
 - 25 (v) Service as a judge in a federal, state or local court, provided
26 that such employment is available only to licensed attorneys;
 - 27 (vi) Service as a judicial law clerk; or
 - 28 (vii) Any combination of the above.

1 Applicants shall furnish proof of practice, as required above, to the Guam Board of
2 Law Examiners.

3 Government Attorneys admitted under this provision shall, every five (5) years,
4 submit a request for renewal to the Guam Board of Law Examiners. Such request for
5 renewal shall include (1) a verification of continued employment as an attorney by the
6 government of Guam or by the United States, and (2) a satisfactory evaluation by the
7 applicant's employer. Upon suspension, termination, or resignation from employment
8 within the government of Guam, government Attorneys admitted under this provision
9 *shall* immediately inform the Guam Board of Law Examiners through a written notice of
10 such action.

11 **Section 2.** § 9A114A of Chapter 9A of Title 7 of the Guam Code Annotated is hereby
12 *repealed.*