

PUBLIC LAW 14-102

Bill No. 74S

Introduced by: J.F. Ada

Enacted: February 10, 1978

Governor's Action: Vetoed

Riders: None

Amended by: P.L. 14-104, P.L. 14-114, P.L. 14-124 and P.L. 14-132

AN ACT TO REPEAL AND REENACT CHAPTER I OF TITLE XXIX OF THE GOVERNMENT CODE TO REGULATE THE PRACTICE OF LAW IN GUAM.

Section 1 Repeals and reenacts Chapter I, "Guam Integrated Bar Act."

§28008 Citation

§28009 Membership; public body corporate

§28010 Regulation by Superior Court

§28011 Subpoena, administration of oaths

§28012 Certificate; copies

§28013 Unauthorized practice of law

§28014 Fees and solicitation

§28015 Board of Law Examiners: Membership, vacancies, officers

§28016 Same: Applicants for admission; rules and regulations

§28017 Same: Meetings; quorum

§28018 Same: Fees; expenses; compensation

§28019 Qualifications for admission to Bar

§28020 Same: Persons admitted in another jurisdiction

§28021 Exemption: Foreign attorneys

§28022 Examination of schools and colleges

§28023 Law enforcement officers, aid in investigations

Section 2 Retroactive membership effect.

CASE NOTE: Petitioners, government attorneys, were not "licensed to practice law" on the effective date of the Integrated Bar Act by reason of the limited authority formerly granted by statute allowing the government attorneys to practice law, while in government service, without being admitted to the Bar. Baumgarten et al v Superior Court, S.P. 29-78, S.C. Guam.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Chapter I of Title XXIX of the Government Code of Guam is hereby repealed and a new Chapter I is hereby enacted to read as follows:

"CHAPTER I
Guam Integrated Bar Act

§28008. Citation.

This chapter may be cited as the 'Guam Integrated Bar Act'.

§28009. Guam Bar; Membership; Public Body Corporate.

The Bar of Guam is a public body corporate, the membership of which consists of all persons who are now and hereafter licensed to practice law in Guam. The members of the Bar of Guam are officers of the courts of Guam and have exclusive right to designate themselves as 'attorneys and counselors', 'attorneys at law' or 'lawyers'. No person is authorized to practice law in Guam unless he complies with the requirements of the Superior Court of Guam with regard thereto.

§28010. Same; Regulation by Superior Court.

The Superior Court has the power to provide for the organization, government and membership of the Bar of Guam and to adopt rules and regulations concerning the conduct and activities of the Bar of Guam and its members, the schedule of membership dues therein, the discipline, suspension and disbarment of its members for misconduct or other serious impropriety and the investigation and examination of applicants for admission to the Bar.

§28011. Same; Subpoena; Administration of Oaths.

The Judicial Council has the power of subpoena and the authority to take testimony under oath which may be exercised by its officers and committees for the purpose of aiding in cases of discipline, suspension and disbarment of members of the Bar of Guam and in cases of applicants

for admission to the Bar under such regulations and restrictions as the Superior Court may prescribe. The person exercising the power granted by this Section has the power to administer the necessary oaths. The Superior Court has jurisdiction to admit to the Bar of Guam persons who possess the required qualifications, to disbar or suspend members of the Bar for misconduct and to reinstate licenses to practice law.

§28012. Same; Certificate; Copies.

It is the duty of the clerk of the Superior Court, when a person is admitted to the Bar by such court, to administer to such person the oath prescribed by the Superior Court for members of the Bar and, upon payment of such sums as are necessary, to issue to such a person a certificate of his admission and to keep a record of such admission in the roll of attorneys and the journal of such court and to transmit promptly to the Bar of Guam without charge certified copies of the orders of admission. When a member of the Bar is suspended or disbarred, or is held in contempt, and when a person is reinstated as a member of the Bar, it is the duty of the clerk of the court so doing to transmit to the Bar of Guam without charge certified copies of such orders.

§28013. Unauthorized Practice of Law.

It is unlawful for any person to practice law or to engage in the law business or in any manner whatsoever to lead others to believe that he is authorized to practice law or to engage in the law business or in any manner whatsoever to represent or designate himself as an attorney and counselor, attorney at law or lawyer unless the person so doing is regularly licensed and authorized to practice law in Guam. Any person who violates the provisions of this Section is guilty of contempt of the Superior Court and upon conviction is punishable as provided by law. On the conditions set forth in 28021 of this Chapter, this Section does not apply to a foreign attorney who is duly licensed and authorized to practice law in another state or territory or the District of Columbia while temporarily in Guam and engaged in a particular matter.

§28014. Fees and Solicitation.

(a) The measure of the compensation of members of the Bar is left to the express or implied agreement of the parties subject to the regulation of the Superior Court.

(b) Any agreement for such compensation or for reimbursement of any expenses incident to the prosecution or defense of any claim by any party is wholly void if such professional employment was solicited by the member of the Bar or by any other person acting on his behalf or at his request, unless the services of such member of the Bar were first requested by such party.

§28015. Board of Law Examiners; Membership; Vacancies; Officers.

The Judicial Council is hereby constituted the Board of Law Examiners. The clerk of the Superior Court is the ex-officio secretary-treasurer of the Board.

§28016. Same; Applicants for Admission; Rules and Regulations.

The Board of Law Examiners has charge of the investigation and examination of all persons who initially apply for admission to the Bar of Guam. The Board may adopt suitable regulations, subject to approval by the Superior Court, concerning the performance of its functions and duties. The Board has the power to subpoena and the authority to administer oaths and to take testimony under oath which may be exercised by any member of the Board in cases of applicants for admission to the Bar.

§28017. Same; Meetings; Quorum.

The Board of Law Examiners shall meet at least twice in each year at such times and places as its chairman shall determine for the purpose of investigating, examining, hearing and passing upon the qualifications of applicants for admission to the Bar and to transact such other business as may come before the Board. Three (3) members of the Board shall constitute a quorum. The action of a majority of the members present at a meeting at which a quorum is present shall be the action of the Board.

§28018. Same; Fees; Expenses; Compensation.

The fees required to be paid by applicants for admission to the Bar shall be paid to the Board of Law Examiners and shall be deposited in the Treasury of Guam and shall constitute a separate fund for the reimbursement of expenses of members of the Board of Law Examiners and for the payment of such expenses as are necessary to conduct the Bar examinations.

§28019. Qualifications for Admission to Bar.

A person is qualified for admission to the Bar of Guam who proves to the satisfaction of the Board of Law Examiners:

(a) that he has resided in Guam for not less than three (3)

months preceeding certification and intends in good faith to practice in Guam;

(b) that he is at least eighteen (18) years of age;

(c) that he is of good moral character;

(d) that he has not been convicted in any court of a felony or any crime involving moral turpitude;

(e) that before commencing the study of law he graduated from a four-year college or university;

f) that he has either (a) graduated from a law school accredited by the American Bar Association, or (b) studied diligently and in good faith for a period of not less than six (6) years in an office under the preceptorship of a locally admitted attorney (which attorney must have graduated from a law school accredited by the American Bar Association) and has actually been employed full-time by such attorney, or (c) has graduated from a school in a foreign jurisdiction with a comparable program of instruction with a school accredited by the American Bar Association; and

(g) that he has passed a final examination given by the Board of Law Examiners, which examination shall be given at least twice each year.

§28020. Same; Persons Admitted in Another Jurisdiction.

An applicant who is a member in good standing before the highest court in any state or territory of the United States or the District Court of Columbia may be admitted to the Guam Bar on the terms and conditions set forth in §28019 of the Government Code.

§28021. Exemption: Foreign Attorneys.

Any person who is a member of the Bar of the highest court of any state or territory of the United States or the District Court of Columbia while temporarily in Guam and engaged in a particular matter may, on a case by case basis, petition the court to practice before the courts of Guam without being admitted to practice pursuant to this Chapter for a period not to exceed one (1) year.

§28022. Examination of Schools and Colleges.

The Board of Law Examiners, or its designee, has the authority to examine or to cause to be examined any school, college or law school for the purpose of determining whether the standards of education and training required for admission to the Bar are being maintained and to exclude from the Bar examination any person who was a student therein at the time any such educational institution is found to have been disqualified or of questionable reputation. The Board of Law Examiners may exclude from the Bar examination any person who was a student in any such educational institution if such educational institution refuses to allow the examination.

§28023. Law Enforcement Officers, Aid in Investigations.

It is the duty of all Guam law enforcement agencies to aid the Bar of Guam and the Board of Law Examiners, or its designee, in any investigation of the conduct of members of the Bar and the character and fitness of persons who apply for admission or reinstatement in the Bar and to furnish all available information about such individual."

Section 2. All persons licensed to practice law in Guam on the effective date of this Act shall automatically become members of the Bar of Guam without being required to qualify therefor under the provisions of this Act. The clerk of the District Court of Guam shall certify and transmit to the clerk of the Superior Court the names of all such persons duly licensed to practice law in Guam as of the effective date of this Act.
