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SUPREME COURT
OF GUAM

IN THE SUPREME COURT OF GUAM

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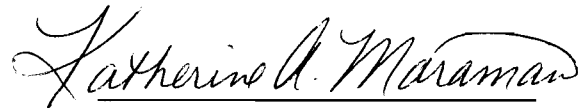
5 **Re:**) Supreme Court Case No. PRM11-004
6)
7 **THE PRACTICE OF LAW ON GUAM;**)
AMENDMENTS TO THE RULE)
8 **REGARDING MANDATORY**)
CONTINUING LEGAL EDUCATION) **PROMULGATION ORDER**
9) **NO. 11-004-01**
10)
11)

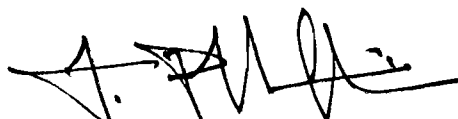
12 Pursuant to the authority to “govern attorney and judicial ethics and the practice of law in Guam,”
13 48 U.S.C. § 1424-1(a)(7), the Supreme Court hereby adopts amendments to its mandatory legal education
14 rule regarding active Guam attorneys. A draft version of the amended rule was provided to members of
15 the Guam Bar Association. Comments were sought and accepted for several weeks. All timely comments
16 were duly considered, and revisions were made to the draft amended rule if deemed appropriate.

17 The attached amended rules shall take effect immediately upon the filing of this order and shall
18 therefore apply to the 2011 reporting year.

19 **SO ORDERED** this 26 day of September, 2011.

20 
21 **ROBERT J. TORRES**
Associate Justice

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21 **KATHERINE A. MARAMAN**
Associate Justice

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23 **F. PHILIP CARBULLIDO**
24 Chief Justice

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**SUPREME COURT OF GUAM'S AMENDED
RULE GOVERNING MANDATORY CONTINUING LEGAL EDUCATION
[Amended by Promulgation Order 11-004-01; September 26, 2011]**

Section 1 - Purpose.

Continuing professional education of lawyers serves to improve the administration of justice and benefit the public interest. Regular participation in Continuing Legal Education programs will enhance the professional skills of practicing lawyers, afford them periodic opportunities for professional self-evaluation, and improve the quality of legal services rendered to the public. All active members of the Guam Bar shall participate in the requisite number of hours, as set forth in this Rule, of further legal study throughout the period of their active practice of law, and failure to do so shall result in their suspension from membership in the Guam Bar.

Section 2 - Appointment of the Guam Bar Association for the Administration of this Rule.

(a) The Supreme Court of Guam hereby appoints the Guam Bar Association to administer this Rule.

(b) The Guam Bar Association shall have the following duties:

1. Accept the certification forms to be filed annually by each active member of the Guam Bar.
2. Conduct a compliance audit following the end of each reporting period.
3. Review and approve Continuing Legal Education courses and activities.
4. Report at least annually to the Supreme Court of Guam.

Section 3 - Continuing Legal Education (CLE) Requirement.

(a) **Annual Requirement.** Every active member of the Guam Bar shall complete and certify attendance at a minimum of ten (10) hours per year of approved Continuing Legal Education ("CLE") courses of which at least two (2) hours shall be in the area of legal ethics or professionalism. Each member shall complete the required CLE courses during the period of January 1 through December 31 of the same year. An "active member" is defined as a person who has active status in the Guam Bar Association. The annual credit requirement for lawyers who are active members for only a portion of the year shall be prorated at a rate of one-half (½) credit per month he or she claims active status, or any portion of a month thereof.

(Amended 12/12/03 pursuant to an Order in Administrative Proceeding No. AP03-004)

(b) **Carry-Over.** In an effort to provide flexibility in fulfilling the annual requirement, a one year carry-over of credit hours is permitted, so that accrued credit hours in excess of one year's requirement may be carried forward from one year to meet the requirement for the next year. A member may carry forward a maximum of six (6) credit hours, two of which, if earned in legal ethics or professionalism, may be

counted toward the two (2) hours required in legal ethics or professionalism. Hours in excess of the minimum requirements defined in this Rule may not be carried forward for credit beyond the one year provided for in this Rule. (Amended 12/12/03 pursuant to an Order in Administrative Proceeding No. AP03-004)

(c) **Prior Attendance.** Credit will not be given for CLE hours accumulated prior to admission to the Guam Bar.

(d) **Approved Courses and Activities.** The CLE requirement may be met either by attending courses or completing any other continuing legal education activity automatically approved for credit as provided in this Rule. Self-study, including the use of approved video or audio tapes, computer based resources, or participation in legal educational activities involving correspondence technology, in-house law firm continuing legal education efforts, teaching, and participation in a committee of the Guam Bar Association or the Supreme Court of Guam may be considered for credit when they meet the conditions set forth in this Rule. Credit shall not be given for activities not specifically enumerated in Section 7 of this Rule. (Amended 12/26/02 pursuant to Promulgation Order No. 02-010)

Section 4 - Reporting CLE Credit.

(a) **Reporting Requirement.** Unless exempt as provided in this Rule, each active member shall submit to the Guam Bar Association, on or before January 31 of each year, a Certification of Attendance certifying that the member has attended mandatory Continuing Legal Education course(s) for the minimum number of hours required during the previous year ending December 31. No member may submit a Certification of Attendance after January 31 without approval of the Supreme Court of Guam upon written request by the member.

(b) **Approved Forms.** A member may submit a Certification of Attendance form provided to the attendees at the CLE course(s) or, in the alternative, the form entitled "Attorney Application for CLE Credit/Certification of Attendance" attached as Appendix 1 to this Rule.

(c) **Responsibility of Members.** Every active member shall be responsible for ascertaining whether or not the particular course satisfies the requirements of this Rule.

Section 5 - Exemptions.

(a) **New Members.** A newly admitted member shall be exempted from filing a certification for the reporting period in which he or she is first admitted. A newly admitted member is a person who has never previously been a member of the Guam Bar Association.

(b) **Waivers.** A member who has been granted a waiver from compliance with the requirements of this Rule shall be exempted from filing a certification for the period for which the waiver is granted.

1. A member seeking a waiver from the requirements for a reporting year must submit a written petition, together with any appropriate or required material or documentation (e.g. doctors' letter, medical records), to the Supreme Court of Guam.
2. A member should, whenever practicable, file his or her petition prior to the January 31 reporting deadline for the year the member seeks a waiver. Failure to file a petition in a timely manner may be considered by the Supreme Court in determining whether to grant a waiver.
3. A waiver shall not be granted unless good cause is shown.
4. The filing of any petition for waiver will toll the running of any time limit set forth in this Rule up to, but not to exceed, thirty (30) days.

(c) Extensions. A member who has been granted an extension from compliance with the requirements of this Rule shall be exempted from filing a certification for the period for which the extension is granted.

1. A member seeking an extension from the requirements for a reporting year must submit a written petition, together with any appropriate or required material or documentation (e.g. doctors' letter, medical records), to the Supreme Court of Guam.
2. A member should, whenever practicable, file his or her petition prior to the January 31 reporting deadline for the year the member seeks an extension. Failure to file a petition in a timely manner may be considered by the Supreme Court in determining whether to grant an extension.
3. An extension shall not be granted unless good cause is shown.
4. The filing of any petition for extension will toll the running of any time limit set forth in this Rule up to, but not to exceed, thirty (30) days.

Section 6 - Sanctions.

(a) Self-Reporting. This Rule establishes a self-reporting system.

(b) Annual Auditing. Following the annual reporting deadline, the Guam Bar Association shall conduct a random audit of at least 15% of the active members to determine compliance with this Rule.

(c) Notice of Delinquency. In conducting the random audit, the Guam Bar Association shall send a Notice of Delinquency to each member found to have violated this Rule for the prior year just ended and may, in its discretion, include in any Notice of Delinquency any prior year or years in which a member is found to have violated this Rule.

(d) Cure. Within ninety (90) days following the mailing of the Notice of Delinquency, the member shall submit a Certificate of Attendance, certifying that he or she has taken course hours necessary to meet the

annual requirements of the Rule for the relevant year or years, along with a payment of a delinquency fee of \$300.00 for each year of delinquency.

(e) Failure to Cure. If the member fails to submit the requisite Certification of Attendance sufficient to permit retroactive compliance with the Rule, the Guam Bar Association shall file a Notice of Non-Compliance with the Supreme Court of Guam.

(f) Automatic Suspension. Failure to take steps to certify compliance with this Rule within ninety (90) days of the mailing of the Notice of Delinquency shall result in automatic suspension by the Supreme Court of Guam.

(g) Reinstatement. In order to be reinstated, a member suspended for violating this Rule shall file a petition for reinstatement with the Supreme Court of Guam along with a reinstatement fee of \$300.00 which shall be in addition to the delinquency fee of \$300 for each year of delinquency which must be paid to the GBA pursuant to Section 6(d). The petition for reinstatement shall include a Certification of Attendance certifying that the suspended attorney has completed the course hours necessary to meet the annual requirements of this Rule for the relevant year or years.

(h) Continuing Responsibility. A suspension for violating this Rule shall not relieve the delinquent member of his annual responsibility to attend CLE programs or to pay his dues to the Guam Bar Association.

(i) Representations by Members. A member who makes a materially false statement in any document filed with the Guam Bar Association or the Supreme Court of Guam shall be subject to appropriate disciplinary action.

Section 7 - Approved Educational Activities.

(a) Courses automatically approved. The following CLE courses will be automatically approved for credit.

1. Live CLE programs offered by the federal or local judiciary in Guam or the Commonwealth of the Mariana Islands, or by the Guam or Commonwealth of the Northern Mariana Islands Bar.
2. Self-study courses listed for automatic approval by the Guam Bar Association. (See Section 7(c) of this Rule, below).
3. Courses or activities approved by the highest court of another jurisdiction or its designee, the American Bar Association, or a state bar association.
4. Courses or activities offered by a provider accredited by the official CLE committee of another jurisdiction or a national CLE accrediting body.
5. Up to 5 general CLE hours each reporting year for completion of qualifying pro bono

activities during the same reporting year, on a ratio of 5 pro bono hours to 1 general CLE hour, so long as a pro bono program, properly adopted by the Supreme Court of Guam, is in effect during all or part of the relevant reporting year.

(b) In-office CLE. Courses offered by law firms, either individually or with the other law firms, corporate legal departments, government attorneys, or similar entities, primarily for the education of their members may be approved for credit. Members who seek credit for in-office courses shall submit, with the required certification of attendance form, the program schedule or agenda and course syllabus or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice.

(c) Self Study. In addition to formal courses conducted in a class or seminar setting, approved self-study courses involving the use of video or audio tapes, computer resources (e.g. CD-ROM and internet), or correspondence courses (e.g. satellite and teleconference) may be used to satisfy the credit requirements of this Rule. Members who seek credit for self-study courses shall submit, with the required certification of attendance form, the program schedule or agenda and course syllabus or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice. The Guam Bar Association shall make available to the members of the Association a list of self-study courses that will be automatically approved for credit.

(d) Teaching or Lecturing. Members who teach legal courses or deliver lectures on law, whether to other attorneys or to members of the general public, may be given credit for the time spent in preparation and time spent teaching or lecturing. Members who seek credit for teaching or lecturing shall submit, with the required certification of attendance form, the course syllabus, lecture outline or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice. Once credit has been given for teaching a course or delivering a lecture, no further credit shall be given for a subsequent delivery of the same material to a different audience.

(e) Service on Guam Bar Association Committee or Supreme Court of Guam Committees.

Members who are officers of the Guam Bar Association or sit on and actively participate in a committee of the Guam Bar Association or Supreme Court of Guam may be given credit for such participation.

Members who seek credit for such participation shall submit, with the required certification of attendance form, a statement describing the officer's or committee's tasks, the scope of the member's participation and the number of hours actually expended attending meetings or working on assigned tasks. No more than two credit hours attributed to participation as an officer or a committee member may be used to satisfy the annual CLE requirement. (Amended 12/26/02 pursuant to Promulgation Order No. 02-010)

(f) Other Activities Not Contemplated by this Rule.

Subject to the discretion of the GBA's CLE Committee, activities not addressed in this Section may be eligible for CLE credit. Members shall submit any such requests for credit to the Committee, in the same manner as requests for approval are to be submitted pursuant to Section 7(b)-(d), specifically articulating the basis on which credit might be allowed.

Section 8 - Standards for Approval of Courses.

(a) General Standards. To be approved for credit, the CLE course or activity must satisfy the following:

1. The activity must have significant intellectual or practical content with the primary objective of increasing the participant's professional competence as a lawyer;
2. The activity must deal primarily with substantive legal issues, legal skills, practice issues, or legal ethics and professional responsibility.

(b) Legal Ethics or Professionalism Standards. In order to satisfy the legal ethics or professionalism credit requirement, the course or activity shall be devoted to the study of judicial or legal ethics and professional responsibility or professionalism, and shall include discussion of applicable judicial conduct codes, disciplinary rules, or statements of professionalism.

(c) The following activities shall not be accredited:

1. Activities that would be characterized as dealing primarily with personal self-improvement unrelated to professional competence as a lawyer;
2. Activities designed primarily to sell services or equipment; or
3. Repeat live, video, audio, or CD-ROM CLE courses for which the member has already obtained CLE credit in the same or any past reporting year.

Section 9 - Effective Date.

The effective date of this Rule shall be March 8, 2002. All active members are required to complete four (4) hours of CLE courses for the year 2002. Starting in 2003, and every year thereafter, unless otherwise ordered by this court, active members shall complete the total number of CLE court hours as required in this Rule.