

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
360-34 (COR)	Therese M. Terlaje	AN ACT TO <i>AMEND</i> § 9102 OF CHAPTER 9 OF TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING EXEMPTIONS OF THE GUAM BAR, AS A PUBLIC BODY CORPORATE.	10/12/18 12:10 p.m.						

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. **360**-34 (COR)

Introduced by:

Therese M. Terlaje 

**AN ACT TO AMEND § 9102 OF CHAPTER 9 OF TITLE 7
OF THE GUAM CODE ANNOTATED, RELATIVE TO
CLARIFYING EXEMPTIONS OF THE GUAM BAR, AS A
PUBLIC BODY CORPORATE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that Guam law creating the Bar of Guam, now known as the Guam Bar Association, is governed by the Supreme Court of Guam pursuant to P.L. 21-147 (7 GCA. § 9104).

I Liheslaturan Guåhan finds that the status of the Guam Bar Association described as a "public body corporate" may cause significant confusion for the public and for the members of the association as to its obligations to comply with Guam laws imposed upon Government of Guam entities and officials.

I Liheslaturan Guåhan finds that 7 GCA §9102 and 7 GCA § 9A102 refer to the Guam Bar Association as a "public body corporate." Additionally, the commentary to Chapter 9A of Title 7 of the Guam Code Annotated provides the following:

“COMMENT: Pursuant to P.L. 21-147 (7 GCA § 9104) the power to govern attorneys and the Bar of Guam is not transferred

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1 to the Supreme Court of Guam until that court not only is
2 operating, but also has adopted its own rules for the governance
3 of attorneys. Until that time, the following Chapter continues in
4 effect. As noted above, this Chapter was meant to be replaced by
5 Supreme Court of Guam rules. On May 17, 1996, the Supreme
6 Court by promulgation order adopted the existing rules
7 governing admission and rules of discipline as its interim rules.
8 (In re: James S. Brooks, Supreme Court Case No. ADC 03-002
9 (Order, July 19, 2005)). There, the Supreme Court stated:

10 The [Supreme] court explicitly continued the rules then in
11 effect as the rules governing the admission in this
12 jurisdiction. The provisions of the Integrated Bar Act,
13 including Title 7 GCA § 9113, were in effect at that time
14 and therefore continued to remain in effect after the court's
15 adoption of the interim rules. The court has subsequently
16 amended the Rules Governing Admission to the Practice
17 of Law and the Rules for the Discipline of Attorneys on
18 numerous occasions but has not by order repealed all the
19 other rules of admission and discipline previously in
20 effect.”

21 § 9102 of Chapter 9, Title 7, Guam Code Annotated further provides
22 that if the Guam Bar Association continues as an integrated bar association, then it
23 shall continue as a "public body corporate."

24 *I Liheslaturan Guåhan* finds that the members of the Bar of Guam are
25 not public officials, nor do they administer or receive any public appropriation for
26 the management and maintenance of their association.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to clarify the
2 obligations of the Bar of Guam aka Guam Bar Association, as a public body
3 corporate, for the purpose of defining applicable laws to the Guam Bar Association
4 for and in the best interests of both the public and the members of the association.

5 **Section 2.** § 9102(a) of Title 9, Guam Code Annotated, is *amended* to read:

6 “(a) The Supreme Court of Guam may continue, by rule, the
7 requirement contained in this section, that no person is authorized to practice law
8 ~~en~~in Guam, unless that person be a member in good standing of an integrated bar
9 association. If such requirement is continued, then the Bar of Guam is a public body
10 corporate, the membership of which consists of persons who are now or hereafter
11 licensed to practice law ~~en~~in Guam. However, the Bar of Guam shall be exempt
12 from the requirements of the following:

13 (i) Title 4, Guam Code Annotated: Public Officers & Employees

14 (ii) Title 5, Guam Code Annotated: Government Operations.”