

**STATE OF THE ETHICS
PROSECUTOR'S OFFICE**

Presented by
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August 26, 2011

DISCUSSION TOPICS

1. Attorney Discipline System
2. Judicial Discipline System
3. Continued Efforts to Improve Trial Court Efficiency
4. New Supreme Court Proposed Rules
5. 2012 High School Mock Trial Program
6. Ethics Prosecutor's Contact Information

**ATTORNEY DISCIPLINE
SYSTEM**

- a. Relevant Rules & Law – Have These Handy!
 - i. *Rules for Discipline of Attorneys (PO 99-003)*
 - ii. *Guam Rules of Professional Conduct (PO 04-002)*
 - iii. *Rules of GBEC Procedure (POs 99-004 and 08-003-01)*
 - iv. *Title 7 GCA Chapters 9 and 9A*
- b. Procedural Refresher
 - i. *Typical Trajectory of an Ethics Case*
 - ii. *Split Ethics Committee – Just Like Other Jurisdictions*

ATTORNEY DISCIPLINE SYSTEM (cont.)

- c. Contracts for Legal Services – Use Them!
 - * *Understand Retainer vs. Deposit Towards Legal Fees*
- d. Common Issues in Ethics Complaints
 - i. *Communication, Communication, Communication*
 - * *An Investigation Often Leads to Other Things...*
 - ii. *Reasonableness of Fees*
 - * *Flat Fee Still Must be REASONABLE*
 - * *“Earned and Non-Refundable” is Problematic*

JUDICIAL DISCIPLINE SYSTEM

- a. Relevant Rules and Law
 - i. *Rules for Judicial Disc. Enforcement [PO 06-02-02]*
 - ii. *1990 ABA Model Code of Judicial Conduct as amended through March 27, 2006*
- b. Guam Bar Ethics Prosecutor Serves as Disciplinary Counsel within Judicial Discipline System [RJDE 4]

TRIAL COURT EFFICIENCY

- a. Case Assignment Rule [PO 10-003-01]
 - * *Equitable Distribution of Cases & Specialty Courts*
- b. Case Age Time Standards [AR 06-001]
 - * *Significant Impact of Vacant Judge Position*
- c. Under Advisement Time Standards [AR 06-001]
- d. Attorneys May Call the Clerk of Court regarding Matters of Calendaring
 - * *Exception to “Ex Parte Contact” Prohibition for Matters of Calendaring [GR 8.1(a)(5)]*

NEW SUPREME COURT PROPOSED RULES

- a. Proposed Pro Bono Pilot Program
 - i. *Voluntary Participation – Mandatory Reporting*
 - ii. *Broad Range of Community Activities Will Qualify*
- b. Extension of Mediation Pilot Program
- c. Proposed Amended CLE Rules
 - i. *Allowing up to 5 CLE Credits for Pro Bono*
 - ii. *Increase in Penalty to \$300; Clarifying Amendments*

HIGH SCHOOL MOCK TRIAL 2012 SEASON

- a. December Invitational, 12-9-11 & 12-10-11?
- b. Regular Season, January-to-April, 2012
- c. Several Teams May Need Coaches
- d. We will Need Judges in Early December and Throughout the Regular Season!

ETHICS PROSECUTOR'S CONTACT INFORMATION

- Telephone: 475-3167/3396
- Secure fax: 475-3400
- E-mail: bbradley@guamsupremecourt.com
- Visit us on the second floor of the Guam Judicial Center. Please make an appointment or stop by if you're in the neighborhood.


