

RULES OF THE STATE BAR OF CHUUK

Statement of Purpose and Policy

The purpose of these rules is two-fold: to regulate the practice of law for the benefit of the people of the State of Chuuk and to promote the development of an informed, stable and responsible legal profession in this state.

These rules are based upon the following principal findings:

(1) The practice of law is a function of vital importance to the people of this State; a competent and honest legal profession is essential to the orderly and efficient administration of justice and the conduct of both public and private affairs; and

(2) The legal needs of public agencies and private citizens in this state differ in significant ways from those in other jurisdictions; and

(3) There is at the present time a serious shortage in the number of attorneys in this state and that shortage is likely to exist for some time; and

(4) It is in the best interest of the people of this state for this Court to encourage citizens of the state to choose a career in law, to obtain a formal legal education and return to serve in public and private capacities in the legal profession; and

(5) In light of the great need for legal services and the limited availability of attorneys, it will be necessary to make special provisions for admission to the State Bar of Chuuk of some non-lawyers and of some attorneys from elsewhere who are employed by a public or quasi-public agency within the state; these special provisions should be temporary in nature and should be considered to be an unavoidable exception to the necessity of establishing and maintaining a legal profession which is an integral part of the society of this state; and

(6) It is essential to the maintenance of high standards of competence and responsibility and to the prompt and efficient administration of justice that all members of the legal profession be actual residents or citizens of this state; and

(7) The people of this state will be best served by a legal profession which consists of practitioners, with proven good moral character, who are members of this society, whether by birth or by choice, and who are committed to faithful and diligent service in the high calling of attorney or counselor at law.

Rule 1. Establishment of State Bar.

The State Bar of Chuuk is hereby established.

Rule 2. Authority of State Court.

The State Court has the primary responsibility for defining and regulating the practice of law in this state, in conjunction with any appropriate state statutes, and shall do so by the promulgation of

rules governing admission to conduct of persons authorized to practice law.

Rule 3. Membership Required.

No person shall practice law in this state unless he or she is a member in good standing of the State Bar of Chuuk, except as provided in Rule 14.

Rule 4. Admission of Members of Trust Territory and Supreme Court of the Federated States Bar.

(a) High Court or F.S.M. Supreme Court License. Any person who was admitted to practice before the High Court of the Trust Territory of the Pacific Islands or Supreme Court of Federated States on or before December 31, 1983 and is currently a member in good standing, shall be admitted to the State Bar of Chuuk, upon tendering to this court satisfactory proof of these facts and the required fee under paragraph (b) of this Rule.

(b) Application and Fee. An application for admission under this rule shall be submitted to the State Court not later than August 31, 1984 in a form prescribed by the Court, and shall be accompanied by payment of a fee of twenty-five dollars (\$25.00).

(c) Scope of Practice. An applicant admitted under this rule will be authorized to practice law in the State of Chuuk on the same basis and to the same extent as he or she was authorized to practice before the High Court of the Trust Territory.

Rule 5. Qualifications and Applications for Admission.

(a) Qualifications. Except as otherwise provided in these rules, a person is not eligible for membership in the State Bar of Chuuk unless he or she possesses the following qualifications:

(1) Law School Diploma. The applicant shall be a graduate of a law school which is accredited in the jurisdiction where the school is situated, except as provided in Rule 6, and

(2) Good Moral Character. The applicant shall be a person of good moral character and shall be fit to undertake the responsibilities of the practice of law, and

(3) No Criminal Convictions. The applicant shall not have been convicted of any crime involving moral turpitude, and

(4) Bar Examinations. The applicant shall successfully pass a general examination of his or her knowledge of the statutory and customary law as well as land tenure system of the State of Chuuk except as provided in Rule 7, 8 or 9, and

(5) Residence or Domicile. The applicant shall be an actual resident or a domiciliary of the State of Chuuk or shall have stated an intent to reside or to maintain a full-time law office in this state.

(b) Application. An applicant shall apply for admission and shall present satisfactory evidence of possession of the qualifications stated in subsection (a), in the manner prescribed by the State Court.

(c) Fee. The application for admission shall be accompanied by payment of fee of twenty-five dollars (\$25.00).

(d) Effective Date. This rule shall govern all applications for admission from and after applications submitted pursuant to Rule 4.

Rule 6. Admission Without Law School Diploma.

(a) Special Examination. An applicant for admission who is otherwise qualified under Rule 5 may satisfy the requirement of a law school diploma prescribed by Rule 5 (a)(1) by successfully completing a special examination of his or her knowledge of the law of the State of Chuuk.

(b) Content of Special Examination. The special examination allowed by this rule shall be in addition to the general examination required by Rule 5 (a)(4) and may be oral or written, or both. It shall be designed to determine whether the applicant possesses a knowledge of law equivalent to that which the applicant would have obtained by completion of a full course of study at an accredited school of law.

(c) Number of Examinations Permitted. An applicant may take the special examination not more than two times in any twelve month period.

Rule 7. Admission Without Examination - Public Service.

(a) Persons Excused. An applicant who is otherwise qualified for admission under Rule 5 is excused from taking the examination prescribed by Rule 5 (a)(4) if he or she is a member of one of the following special classes of person:

(1) State Employees. Attorneys employed by the State of Chuuk or one of its branches, agencies or instrumentalities; or

(2) Federal Employees. Attorneys employed by the Federated States of Micronesia to reside and work in this state; or

(3) Legal Services Employees. Attorneys employed by the Micronesian Legal Service Corporation, or

(b) Required License. An applicant seeking admission under this rule must be a member in good standing of the bar of one of the several states of the United States, one of the states of the Federated States of Micronesia, or the Supreme Court of the Federated States of Micronesia

Rule 8. Admission Without Examination - Attorneys from Another Jurisdiction.

An applicant who is otherwise qualified for admission under Rule 5 is excused from taking the examination required by Rule 5 (a)(4) if he or she satisfies the following requirements:

(a) Required License. The applicant must be a member in good standing of the bar of one of the states of the Federated States of Micronesia or the Supreme Court of the Federated States.

(b) Required Experience. The applicant must have been a member of the bar of his or her home jurisdiction for a period of at least two years prior to admission to the State Bar; and

(c) Reciprocity. The home jurisdiction of the applicant must permit members of the State Bar of Chuuk to be admitted to practice upon terms at least as favorable as those set forth in this rule.

Rule 9. Admission Without Examination - Citizens of the State of Chuuk.

In order to encourage natural born or adopted citizens of the State of Chuuk to pursue a career in law, any citizen of Chuuk who is otherwise qualified for admission under Rule 5, shall be admitted without the necessity of taking the examination required by Rule 5 (a)(4), provided he or she submits satisfactory proof of compliance with Rule 5(a)(2) and (3).

Rule 10. Bar Examining Committee.

(a) General Examination and Frequency. The State Bar Examining Committee shall develop and administer the general examination required by Rule 5 (a)(4) in a manner which fairly measures the relevant knowledge of the applicant. The examination may be written, or oral, or both. The examination shall be administered to applicants on Thursdays of the second week of August and March, and any other times determined by the court.

(b) State Bar Examining Committee. A State Bar Examining Committee is hereby established. The Chief Justice of the State Court is authorized to appoint five (5) members, in good standing, of the Bar to sit as members of this committee.

(1) Examination. The committee shall develop, write, and correct all General and Special Bar Examinations.

(2) Power. The committee shall have power to examine all applicants for admission to practice law and to administer the requirements for admission to practice. The committee shall certify to the State Court for admission to practice law those persons, and only those persons who fulfill the requirements for admission to practice law provided in the Rules of the State Bar of Chuuk.

(3) Meetings. Meetings of the committee may be held at such place in the state and at such time as may be fixed by the committee. Notice of the time and place of all meetings shall be given at least one day prior thereto, and such notice may be given by mail, or orally or by telephone.

(4) Quorum. Three members shall constitute a quorum of the committee for the transaction of business, except that less than five (5) members may adjourn from day to day.

(5) Subcommittee. The committee may act in any matter by a subcommittee composed of not more than two committee members, subject to the right of an applicant, upon written application filed within ten (10) days after being notified of any determination made by such a subcommittee, to have the same reviewed and determined by the committee.

(6) Investigations. In the conduct of investigations and upon the hearing of all matters, the committee, or any subcommittee, having jurisdiction may:

(A) Take and hear relevant evidence.

(B) Compel, by subpoena, the attendance of witnesses and the production of relevant

books, papers, and documents.

(7) Oath. Any member of the committee, or of any subcommittee, having jurisdiction, may administer oaths and issue subpoenas. Depositions may be taken and used in the same manner as in civil cases.

(8) Contempt. Whenever any person subpoenaed to appear and give testimony or to produce relevant tangible information refuses to appear or testify before the committee, or a subcommittee, or to answer any pertinent and proper question, he is in contempt of the committee. The chairperson, or presiding member, of the committee shall report the fact that a person under subpoena is in contempt of the committee to the state court for so refusing to appear or testify as are provided by law.

(9) Notice. Notice, either oral or written, shall be given to an applicant of any determination affecting him; and notice to appear before the committee or a subcommittee shall be given, in a similar manner, to an applicant at least five (5) days prior to the time fixed therein for his appearance.

(10) Review. After registration either as a "general applicant" or as a "special applicant", any person refused certification to the State Court for admission to practice may have the action of the committee reviewed by the State Court.

(11) Committee. The committee is empowered to appoint such committee in furtherance of the purposes of this Rule and to facilitate their administration as may be necessary or advisable.

(12) Tenure of Office of Committee. For the purpose of continuity two members of the State Bar Examining Committee shall serve for a period of one year, another two members for a period of two years, and the remaining member for a period of three years.

(c) Investigation and Cost. In its discretion, the Court may require an independent investigation of any pending application and may charge the cost of such investigation to the applicant.

Rule 11. Admissions Pro Hac Vice.

(a) Appearance Permitted. An attorney who is a member of the bar of any other jurisdiction may be permitted to appear in the State Court in any proceeding for which the attorney has been engaged by one of the parties to the action.

(b) Duration. An admission under this rule shall be valid only for the appearance or proceeding for which it is granted.

(c) Association Required. An attorney seeking admission under this Rule shall be associated with a member of the State Bar of Chuuk who shall be the attorney of record. The Court may, in its discretion, waive the requirement of this section.

Rule 12. Oath.

(a) Content of Oath.