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Case No.: ADM-Administrative Orders
Lynette Camacho

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN RE
THE NORTHERN MARIANA ISLANDS
SUPREME COURT RULES: RULES OF ADMISSION

SUPREME COURT NO. 2011-ADM-0007-RUL

ORDER

¶ 1 On April 11, 2011, the attached *Rules of Admission* of the *Northern Mariana Islands Supreme Court Rules* were submitted to the Seventeenth Northern Mariana Islands legislature for approval.¹ Sixty (60) days have elapsed since its submission and neither house of the Legislature has disapproved of the amendments.

¶ 2 IT IS HEREBY ORDERED that the proposed *Rules of Admission* of the *Northern Mariana Islands Supreme Court Rules* are permanent pursuant to Article 4, § 9 of the NMI Constitution. The rules shall become effective August 1, 2011.

ORDERED this 20th day of June, 2011.

/s/

MIGUEL S. DEMAPAN
Chief Justice

/s/

ALEXANDRO C. CASTRO
Associate Justice

/s/

JOHN A. MANGLONA
Associate Justice

¹ Two typographical errors that appeared in the original submitted Rules of Admission have been corrected. Rule 72-1(g) referencing Form "E" is changed to Form "H", and Rule 73-2 (c)(1) referencing Form "F" is changed to Form "G".



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TITLE IX. RULES OF ADMISSION

RULE 70 – AUTHORITY; THE BOARD OF BAR EXAMINERS

Rule 70-1. Authority

- (a) Authority. These rules are promulgated pursuant to Article IV, Section 9 of the Constitution of the Northern Mariana Islands.
- (b) Scope. These rules govern the admission into the Commonwealth Bar Association and supersede any conflicting rules. These rules shall become effective on August 1, 2011 and shall have no retroactive effect.
- (c) Forms.
 - (1) All forms referenced herein refer to the forms contained within the Appendix of Forms. Unless otherwise noted, all forms contained in the Appendix of Forms are maintained by the Commonwealth Supreme Court and may be modified by the Court at any time without notice.

Notes

- [1] Portions of these Rules, such as the method of notification of bar examination results, letter of licensure procedures, and review of board decisions, will be applicable to applicants who take the July 2011 bar examination. However, for July 2011 bar examination takers, the application procedures, administration and content of the July 2011 bar examination, and eligibility for the bar examination will be governed solely by the previous Rules of Admission.

Rule 70-2. Board Membership

- (a) The Board of Bar Examiners (the “Board”) shall be composed of the chief justice and associate justices of the Commonwealth Supreme Court, the presiding judge of the Commonwealth Superior Court or his/her designee, and the President of the Commonwealth Bar Association or his/her designee. The chief justice or his/her designee shall serve as the Chairperson of the Board (the “Chairperson”).
- (b) The Board or its designee shall appoint a Bar Administrator who shall serve as a non-voting member of the Board and as the secretary-treasurer of the Board.

Rule 70-3. Powers and Duties of the Board

- (a) The Board is charged with the duty and vested with the power and authority to:
- (1) Investigate and examine all persons who initially apply for admission to the Commonwealth Bar Association (the “Bar”);
 - (2) Determine eligibility, including the determination of the character and fitness of the applicant, for admission to the Bar;
 - (3) Provide for and conduct the Commonwealth bar examinations (“bar examination”);
 - (4) Adopt suitable regulations and policies consistent with the Rules of Admission (the “Rules”) which have the same force and effect as any other provision of these Rules;
 - (5) Subpoena and administer oaths and to take testimony under oath in cases of applicants for admission to the Bar; and
 - (6) Establish and maintain a fee schedule.

Rule 70-4. Meetings; Quorum

- (a) The Board shall meet at least three (3) times each year at such times and places as its Chairperson 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.
- (b) 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.

Rule 70-5. Authority of the Chairperson

Any action taken by the Board may, when the Board is not in session and time is of the essence, be taken by the Chairperson alone. The Chairperson shall promptly notify the members of the Board of such action and such action shall be subject to confirmation at the next regular meeting of the Board.

Rule 70-6. Records

- (a) The Board shall maintain records generated in the course of accepting and processing applications for certification of fitness to practice law, as well as records generated in accepting and processing applications to take the bar examination and results of

having taken the bar examination. Only the following records, provided in this section, shall be maintained as public records, and no other records shall be deemed public records.

- (1) With respect to applications for certification of fitness to practice law: name and address of each applicant.
 - (2) With respect to applications to sit for the bar examination: name and address of each applicant.
 - (3) With respect to each bar examination: the names and addresses of persons who passed the bar examination and such statistical summaries as may be specifically authorized by the Board.
- (b) All other information provided by or obtained with respect to an applicant for certification of fitness to practice law or to take a bar examination shall be considered confidential and privileged communication and shall not be released to any person or agency; except, however, in those instances where a hearing with respect to an application for certification of fitness to practice law is to be held. Information and documents obtained by the Board pursuant to its investigation and relevant to the specifications issued by the Board may be disclosed to the applicant, the applicant's legal counsel, and to the Chairperson's designee appointed to conduct the hearing, if there is such designation.
- (c) Information provided by or obtained with respect to an applicant for certification of fitness to practice law may be disclosed to the bar admissions authority of any United States jurisdiction where the applicant may apply for admission to the practice of law. Upon request, the name, address, date of birth, and social security number of each applicant for certification of fitness to practice law may be furnished to the National Conference of Bar Examiners (the "NCBE") for dissemination to the bar admissions authority of any United States jurisdiction. Moreover, an application for certification of fitness to practice law and application to take the bar examination may be released to the hearing counsel of the Commonwealth Bar Ethics Committee in disciplinary matters. All other information and records may be disclosed as provided by order of the Court.
- (d) The Board may, as it deems reasonably necessary, disclose information relating to:
- (1) A specific applicant to sources contacted during the Board's character and fitness investigation; and
 - (2) Disciplinary or admissions authorities in other jurisdictions when the information relates to possible unethical conduct by a lawyer

licensed or a person applying for licensure to practice in that jurisdiction.

Rule 70-7. Communications with Board Members

- (a) All communications to or with the Board or any member thereof relating to: (1) pending applications for certification of fitness to practice law; (2) pending applications to take the bar examination or to the results thereof; (3) eligibility for admission to the bar examination; or (4) certificates of eligibility for admission to the practice of law, and all communications with either the Board or any member thereof relating to waiver of any part of these rules, whether by an applicant or by any person or agent acting for or on behalf of an applicant, shall be transmitted through the Board unless otherwise directed in writing by the Chairperson.
- (b) Any contact regarding bar examination results or admission concerns shall be directed to the Bar Administrator or the Supreme Court Clerk of Court. All other contact, by telephone or otherwise, with members of the Board or with graders of the bar examination by an applicant or his/her representative is prohibited.

Rule 70-8. Immunity

The Board, its members, the Bar Administrator, and the Clerk of the Supreme Court, shall be immune from civil suit in the same manner as members of the judiciary in the Commonwealth for any conduct or communication in the course of their official duties. "Official duties" for the purpose of this Rule includes but are not limited to any conduct or communication involving or relating to the bar examination, the character and fitness qualification review and investigation, and any other conduct involved in the licensing of persons seeking to be admitted to the practice of law in the Commonwealth.

RULE 71 – REQUIREMENTS FOR ADMISSION TO THE BAR

Rule 71-1. General Requirements for Admission to the Bar

- (a) For admission to the Bar, every applicant must:
 - (1) Be eighteen (18) years of age or older at the time of applying;
 - (2) Have not been convicted of a felony within the past five (5) years or, if so convicted, have been granted a full pardon by a competent authority;
 - (3) File all application requirements and pay all prescribed fees in accordance with Rule 71 herein;

- (4) Either:
 - (i) Pass the bar examination as required by Rule 72 herein, or
 - (ii) Satisfy the requirements for admission as set out in Rule 73 herein;
 - (5) Satisfy the legal education requirements as set out in Rule 71-2 herein; and
 - (6) Receive the approval of the Board as to eligibility for admission and character and fitness except as provided by Rule 71-5(c) herein.
- (b) Expiration of Bar Examination Scores. Applicants for admission by bar examination pursuant to Rule 71 herein must receive a letter of licensure as provided for in Rule 74-1(b) herein and take the oath of admission as provided for in Rule 75-2 herein, within six (6) months after the date of notification to the applicant of passing the bar examination or the applicant's examination scores shall be void. The Board may extend the six (6) month deadline as specified in this Rule 71-1(b) pursuant to a written petition submitted to the Board for good cause shown. For purposes of this Rule 71-1(b), the date of notification is determined by the postmark date or the date upon which a notification email is delivered to the email address provided by the applicant in the application.

Rule 71-2. Educational Requirements

- (a) Qualifying Education. An applicant must have graduated with a Juris Doctor ("J.D.") degree from a law school within the United States, its territories, or possessions and which is accredited by the American Bar Association (the "ABA") at the time of the applicant's graduation. No graduate degree in law ("LL.M.," "M.C.L.," or "S.J.D.") is or should be a substitute for a J.D. and no graduate degree in law will qualify as meeting the legal educational requirements for admission to the Bar.
- (b) Evidence of Educational Qualification. An official or certified law school transcript showing an applicant's educational eligibility for admission is required to be sent directly from the school involved prior to Bar admission. Hand delivered and unofficial transcripts will not be accepted. An applicant whose transcript has not been received prior to the date of the bar examination may not be permitted to take the bar examination. It is the applicant's responsibility to ensure that evidence of his or her educational qualification to take the bar examination is received by the Board in a timely manner.

Rule 71-3. Application and Forms

- (a) Application for Admission by Examination. The Board shall prepare and publish suitable application forms for admission by bar examination under Rule 72 herein, and may require that the applications be accompanied by appropriate evidence that the applicant meets all criteria contained herein.
- (b) An application shall consist of:
 - (1) The General Application Form “A”;
 - (2) Affidavit Form “B”;
 - (3) Authorization and Release Form “C”;
 - (4) NCBE Request for Preparation of Character Report Form “D” and prescribed fee in accordance with Rule 71-5 herein;
 - (5) NCBE Application and Authorization and Release Forms which must be filled out online and can be found at the NCBE official website;
 - (6) Evidence of educational qualification as set forth in Rule 71-2(b) herein;
 - (7) Payment of fees as set forth in Rule 71-6 herein; and
 - (8) Any other forms that the Board requests be filed with the Bar Administrator.
- (c) Repeat bar examination takers must complete and file a new application with appropriate fees for each bar examination.

Rule 71-4. Application Deadlines

- (a) Deadlines specified are rigidly adhered to. Unless otherwise indicated, the date of filing is the postmark date for non-electronic correspondence and the date of submission for electronic correspondence.
- (b) Regular Filing Deadline. To be considered timely filed, applications for admission to practice law, as defined in Rule 71-3(b) herein, must be filed with the Bar Administrator, along with the required fees, no later than May 22 for the July bar examination of the same year and no later than December 22 for the February bar examination of the following year.
- (c) Late Filing Deadline. Applications for admission to practice law, as defined in Rule 71-3(b) herein, may be filed with the Bar Administrator after the regular filing deadline, along with the required fees, no later than June 5 for the July bar examination of the same year and no later than January 5 for the February bar examination of the same year. All applications filed after the regular filing deadline and within the late filing deadline will be subject to an additional late fee.

- (d) Determining the Date of Filing. Applications are not considered filed until all information required under these rules, except as excused by Rule 71-2(b) and Rule 71-5(a)(1) herein, has been transmitted pursuant to 71-4(a) and all required fees have been paid pursuant to Rule 71-6 herein.
- (e) Incomplete or Deficient Applications. Applications filed prior to the timely filing deadline which are incomplete or otherwise deficient may be returned but may be re-filed prior to the late filing deadline. Upon receipt of the application, the Bar Administrator shall make every effort to timely return incomplete or deficient applications; however, it is the applicant's responsibility to submit a proper and complete application. The Board or Bar Administrator bears no responsibility for not immediately returning an application, received prior to the timely filing deadline, within enough time for said application to be re-filed without incurring a late fee.

Rule 71-5. Application for Character and Fitness Report

- (a) Application. Every applicant for admission by bar examination, as required by Rule 72 herein, shall file with the Bar Administrator a written application for character and fitness report and shall pay the prescribed non-refundable fee, except as provided in Rule 71-5(a)(1) herein. The application for character and fitness report shall be filed concurrently with other application documents and consists of those forms described in Rule 71-3(b) herein.
 - (1) Exception to Requirement. Applicants for admission by bar examination shall not be required to file a new application for character and fitness report nor pay the prescribed fee if sixty (60) months or less have passed since the date the application was initially filed in this jurisdiction. Character and fitness reports prepared for use in other jurisdictions will not be considered.
- (b) Continuing Obligation. The application for character and fitness report is a continuing application, and applicants have a continuing obligation to file a written update within thirty (30) days of any change to any information provided or sought in the application.
- (c) Provisional Admission Pending Report. An applicant may request provisional admission to the Bar by submitted Form "F" if all other admission requirements have been satisfied but a final character and fitness report is pending. However, such admission is provisional and any subsequent decision to revoke admission shall be treated as if the candidate was initially denied admission. Any orders of provisional admission shall be expressly conditioned upon the Board's subsequent certification of the person's character and fitness

to practice law. If the investigation as to character and fitness or the determination of eligibility for admission of an applicant who is taking the bar examination is not complete at the time of the bar examination, the Board may permit the applicant to take the bar examination. Such permission, either express or implied, does not constitute approval nor evidence thereof.

Rule 71-6. Fees and Refunds for Admission by Bar Examination

- (a) Fees. All fees for the bar examination shall be paid pursuant to procedures and policies which are established by the Board. Fees for the Multistate Bar Examination and the Multistate Professional Responsibility Exam, which are set by the National Conference of Bar Examiners, must also be submitted to the Bar Administrator at the time the application is filed and shall be made payable to the National Conference of Bar Examiners.
- (b) Current filing fees are available at the Northern Mariana Islands Judiciary's official website. Any modification of the fee schedule must be determined by the Board at least 180 days prior to the bar examination upon which the new fee is to be assessed.
- (c) Refunds. The bar examination application fee is non-refundable. However, in limited exigent circumstances and upon petition to the Board, fees paid by the applicant may be applied to a subsequent bar examination.

RULE 72 – THE BAR EXAMINATION; ATTORNEY'S EXAM; AND MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION

Rule 72-1. The Bar Examination

- (a) Approval to Take Examination. The Board shall notify applicants who apply for the bar examination or Attorney's Examination, as provided in Rule 72-2 herein, by email, to the email address provided by the applicant in the application, as to whether the applicant has been approved to take the bar examination as soon as is practical to do so after all application materials and fees in accordance with Rule 71 herein have been received by the Bar Administrator.
- (b) Time and Location. The Board shall conduct two bar examinations annually, in February and July, each of which shall be held at the Guma' Hustisia or such other location as the Board may designate. Each bar examination shall be conducted on any two successive days and shall be scheduled so as to coincide with the administration of the Multistate Bar Examination (the "MBE") prepared by the NCBE. One of the two days will be dedicated to the MBE while the other day will be dedicated to the essay examinations and Multistate Performance Test (the "MPT").

(c) Bar Examination Content. The bar examination includes two (2), thirty (30) minute essay questions based on local law and the Uniform Bar Examination (the “UBE”) prepared by the NCBE. All portions of the bar examination must be taken and passed in one attempt, except as provided in Rule 72-2 and Rule 72-1(d). Bifurcation of the Commonwealth bar examination is not allowed.

(1) UBE. The UBE consists of six (6), thirty (30) minute Multistate Essay Examination (“MEE”) questions; two (2), ninety (90) minute MPT tasks, and the MBE.

(A) Topic areas which the MEE and MBE may test on are determined by the NCBE and are available at the NCBE’s official website.

(2) Local Content Essays. Essays based on local law are administered on the same day the MEE and MPT are administered. Local content essay questions shall cover such subjects as the Board may prescribe and those topics shall be announced at least thirty (30) days prior to the bar examination.

(A) The Board shall provide all applicants with a list of local authorities in order to prepare for the local content essays. The authorities will be provided to the applicants for preparation purposes only. Applicants shall not be permitted to consult with these authorities during the bar examination.

(d) Grading.

(1) UBE. Raw scores earned in the MEE and the MPT portions of the bar examination are combined and scaled to the MBE to calculate scaled essay scores. MBE scores are weighted 50%, MEE scores are weighted 30%, and MPT scores are weighted 20% in calculating scaled total scores, which are expressed on a 400 point scale. This total UBE score is portable to other UBE jurisdictions.

(2) Local Content Essays. Local content essays are expressed on a thirty-three (33) point scale.

(3) The total earned points on the UBE will account for 90% of the total score, and the total earned points on the local content essays will account for 10% of the total score. A scaled score of at least 282 out of a maximum scaled score of 433 points is required to pass the bar examination.

(4) Regrading. All test scores which are within five (5) points of a passing grade shall be automatically regraded by a different

grader. No other circumstances will give rise to a regrade and bar examinations will not be regraded at the request of the applicant.

(e) Waiver of MBE Requirements.

- (1) If the applicant has taken the MBE within the proceeding three (3) years of the bar examination for which he or she applies, and has attained a scaled score of 130 or higher, the applicant does not have to retake the MBE. The applicant must earn a scaled score of at least 130 on the on the MEE and MPT and 22 on the local content essays for a total scaled score of 152 out of a possible 233 points to pass.
- (2) It is the responsibility of the applicant to have the NCBE, or the jurisdiction holding the score, to forward the applicant's score to the Bar Administrator by July 1 for the July bar examination of the same year and by February 1 for the February bar examination of the same year. If the transferred MBE score is not timely certified, the applicant may be required to sit for the MBE portion of the bar examination.
- (3) Applicants who rely upon a previously earned MBE score will not earn a portable UBE score that can be used to seek admission in other jurisdictions.

(f) Administration of the Bar Examination.

- (1) All answers to the MEE, MPT and local content essay questions shall be written on the bar examination paper which will be distributed during the bar examination. All applicants are required to write legibly. If an applicant's handwriting cannot be read, it may adversely affect the grading of the essay.
- (2) The bar examination of each applicant shall be completed in such a manner that no part of an applicant's bar examination is identifiable by name to members of the Board or exam graders.
- (3) The Bar Administrator shall appoint a sufficient number of monitors to ensure the bar examination is conducted in an orderly and expeditious manner and to ensure no applicant gives or receives aid in taking the bar examination. To facilitate the orderly administration of the bar examination, applicants who arrive at the designated testing site after the bar examination has begun will be barred from entry and will not be allowed to participate in that block of testing.
- (4) To avoid distracting other applicants, persons sitting for the bar examination must ask any questions of the test administrator(s)

prior to the commencement of the bar examination; no queries will be entertained when the bar examination is underway.

- (5) The Board shall establish any other rules and regulations necessary to ensure the security and integrity of the bar examination before, during, and after it is administered.
 - (6) Any Board member or the test administrator may exclude any applicant from the bar examination who is disruptive or uncooperative.
 - (7) Each applicant shall, by taking the bar examination, be deemed to have sworn the following with respect to each question: "I solemnly swear or affirm that I have no previous information as to the contents of the questions upon which I have been examined and that I have not received directly or indirectly, from any source whatever, any assistance, but that I wrote the answer exclusively from my knowledge." The applicant may also be required to write or type out the above oath and sign his or her signature attesting to the truth of the statement during any part of the bar examination.
- (g) Examination of Applicants with Special Needs. The Board shall take all reasonable steps to facilitate the bar examination of applicants with a special need or special needs. Applicants with a special need or special needs must notify the Board of any reasonable accommodation(s) needed by submitting Form "H." Absent good cause, such notification shall be filed at the time of the application but in no event later than thirty (30) calendar days prior to the first day of the bar examination. The applicant may be required, as needed, to provide appropriate documentation to the Board. For the purpose of this Rule, "special need or special needs" means physical or mental impairment that substantially limits one or more of the major life activities of such individual.
- (h) Notice of Bar Examination Results. The Board shall notify each bar applicant, by the email address provided by the applicant in the application, whether the applicant passed the bar examination as soon as practicable. The names of those applicants who pass the bar examination may be made publicly available.

Rule 72-2. Attorney's Exam

- (a) Attorney Applicant. Those qualifying as attorney applicants may apply to take the Attorney's Bar Examination ("Attorney's Exam"). The applicant has the burden of establishing to the Board that they are qualified to take the Attorney's Exam. An applicant may apply to take the Attorney's Exam if:

- (1) The applicant is an attorney licensed to practice in any of the states, territories or possessions of the United States; and
 - (2) The applicant has been in the active practice of law for at least five (5) of the last twelve (12) years.
- (b) The Application. In addition to the requirements contained in Rule 71, the applicant shall provide the Bar Administrator with a current Certificate of Bar Admission and a current Certificate of Good Standing from every jurisdiction from which they are admitted. The application shall also include a declaration from the applicant which states with specificity the type of work, the dates the work was completed, and that such work qualifies as the active practice of law.
- (c) The Exam. The Attorney's Exam consists of one full day of examination, including the MEE, MPT and local content essays. Attorney applicants do not have to take the MBE. Attorney applicants may be required to take the Multistate Professional Responsibility Examination as directed in Rule 72-3 herein. The applicant shall earn a scaled score of at least 130 on the on the MEE and MPT and 22 on the local content essays for a total scaled score of 152 out of a possible 233 points to pass.
- (d) Determination of Active Practice of Law. The Board shall determine whether the attorney applicant has satisfied the required number of years of the active practice of law and notify the applicant fifteen (15) days after the application is submitted if they do not qualify. If the Board finds that an applicant does not qualify to take the Attorney's Exam, the applicant may apply to take the regular bar examination, and the original date the Attorney's Exam application was submitted shall be used to determine the date of application for the regular bar examination. The difference in fees for the Attorney's Exam and the regular bar examination shall not be refunded and the applicant must timely submit proper fees in accordance with Rule 71-6(a) herein for the MBE examination.
- (1) The "practice of law" is a term of art. Though no broad rule can be drawn to define the "practice of law," it connotes more than merely working with legally related matters.
 - (2) The applicant bears the burden to prove he or she has been engaged in the full-time practice of law such that the applicant's professional experience and responsibilities are sufficient to satisfy the Board that the applicant should be admitted under this Rule.

Rule 72-3. Multistate Professional Responsibility Examination

- (a) The Board shall require each applicant to pass the separately administered Multistate Professional Responsibility Examination (MPRE) with a scaled score of 80 or higher.
- (b) The MPRE may be taken prior to or after the bar examination. An applicant must pass the MPRE examination within three (3) years before the bar examination or obtain the results of the MPRE within six months after taking the bar examination in order to comply with the time restrictions prescribed in Rule 75-2(a) herein. It is the responsibility of the applicant to have the NCBE timely forward the score to the Bar Administrator.
- (c) Should an applicant need to take the MPRE in the Commonwealth, he or she must apply directly to NCBE and pay any prescribed fees directly to NCBE. Application and fee information is available at the NCBE's official website.

RULE 73 – BAR ADMISSIONS WITHOUT EXAMINATION

Rule 73-1. Pro Hac Vice Admission

- (a) Eligibility. To be eligible for pro hac vice admission, an attorney must:
 - (1) Be engaged in the practice of law outside the Commonwealth;
 - (2) Be in good standing in all jurisdictions in which he or she is admitted to practice;
 - (3) Associate with a local attorney who is in good standing;
 - (4) Not be admitted to practice law in the Commonwealth;
 - (5) Not maintain an office in the Commonwealth;
 - (6) Never have been denied admission to the Bar; and
 - (7) Not reside in the Commonwealth.
- (b) Motion for Admission. An attorney may file an application with the Commonwealth Supreme Court for the special purpose of handling a particular case. The application shall establish that the attorney complies with the requirements of Rule 73-1 herein, including the name and business address of the local attorney that the applicant will be associated with and shall describe the reasons the client requires the attorney's representation before the Commonwealth courts.

- (c) Fee. A fee of \$5,000 shall be paid directly to the Commonwealth Treasury and the receipt thereof shall be attached to the application or a check or money order shall be attached to the application payable to the Commonwealth Treasury. This fee may be waived for an attorney who represents a governmental agency or an instrumentality of the Commonwealth or United States. A separate, written request for a fee waiver must be attached with the motion for admission.
- (d) Certificate of Good Standing. A certificate of good standing from every jurisdiction that the requesting attorney is admitted to practice law shall be attached to the application.
- (e) Association with Local Attorney. An attorney applying for pro hac vice admission under this Rule is required to associate with an attorney who is admitted to practice law in the Commonwealth, who is a member of the Bar, who is in good standing, and who maintains an office in the Commonwealth. A sworn affidavit from the local attorney attesting to compliance with these requirements shall be attached to the application.
- (f) Length and Scope of Admission. Pro hac vice admission under this Rule shall be limited to one new case per calendar year. Unless a different expiration date is specified, all pro hac vice admissions shall expire twelve (12) months from the date of admission. After expiration, any attorney wishing to be re-admitted pro hac vice must submit a new application and fee in compliance with this Rule. An attorney who is already admitted pro hac vice in one (1) case shall not be eligible to apply for admission in another case until the first case is closed.

Rule 73-2. Limited Admission for Attorneys Employed by the Commonwealth Government

- (a) Length of Admission. An attorney who is a salaried employee of the Commonwealth Government or of Micronesian Legal Services Corporation may practice law before the courts of the Commonwealth without taking any portion of the bar examination for a period of four consecutive years provided that the attorney has been admitted to the practice of law in another jurisdiction of the United States and has maintained good standing. The four (4) year period of admission runs successively and may not be tolled.
- (b) Scope. Admission under Rule 73-2 is limited to legal work performed for the Commonwealth Government or the Micronesian Legal Services Corporation.

- (c) Application. An attorney seeking admission under this Rule shall file the following documents, and any other documents as required by the Board, with the Bar Administrator:
 - (1) The General Application Form for Government Attorneys “G”;
 - (2) Affidavit Form “B”;
 - (3) Authorization and Release Form “C”;
 - (4) NCBE Request for Preparation of Character Report Form “D” and prescribed fee in accordance with Rule 71-5 herein;
 - (5) NCBE Application and Authorization and Release Forms which must be filled out online and can be found at the NCBE official website;
 - (6) Evidence of educational qualification as prescribed in Rule 71-2(b) herein;
 - (7) Certificate of Good Standing from every jurisdiction that the requesting attorney is admitted to practice law; and
 - (8) A certification letter from the applicant’s employer which verifies the date of hire and identifies the applicable government agency.
- (d) Upon approval of admission and payment of all required fees, the attorney will be notified by the Bar Administrator and shall be given a date on which to appear before a justice of the Supreme Court to be sworn in. The attorney may not commence practicing law for the Commonwealth Government or for Micronesian Legal Services Corporation until the application has been approved and he or she has taken the Oath of Admission pursuant to Rule 75-2 herein.
- (e) Duty to Report. All members admitted to the Bar pursuant to this Rule shall report any changes in their place of employment to the Bar within seven (7) days.

Rule 73-3. Other Admissions

- (a) Legal Intern.
 - (1) Permission to Appear in Court. A qualified law student or graduate of an ABA accredited law school, upon application and approval in accordance with the requirements set forth in this Rule, may be permitted to appear in the Commonwealth Superior Court as a “legal intern” and may be granted the privilege of representing either the Commonwealth or private individuals.
 - (2) Qualifications. At the time the application is submitted, the applicant must:
 - (A) Be a student duly enrolled and in good academic standing at a law school with legal studies completed, which in the opinion of the Board or its designee, are sufficient and have

the written approval of the applicant's law school dean, or a person designated by such dean; or

- (B) Have graduated from an approved law school no more than nine (9) months previously and submitted satisfactory evidence thereof to the Board or its designee.
- (3) Affidavit. The applicant shall submit a sworn affidavit that he or she has read, is familiar with, and will abide by the ABA Model Rules of Professional Conduct.
- (4) Procedure. The applicant shall submit an application on Form "E" as provided by the Board. There shall be no fee for filing such application. The application shall give the name of, and be signed by, the supervising attorney, who, in doing so, shall assume the responsibilities of a supervising attorney as set forth in this Rule if the applicant is permitted to appear as a legal intern.
- (5) Supervising Attorney. A supervising attorney may not supervise more than one legal intern at a time and shall:
 - (A) Be an attorney in good standing who is:
 - (i) admitted to practice law in the Commonwealth and who maintains an office within the Commonwealth, or
 - (ii) who represents the Commonwealth Government or Micronesia Legal Services, Inc.;
 - (B) Direct, supervise, and review all of the work performed by the legal intern and assume professional responsibility for any work undertaken by the legal intern while under his or her supervision;
 - (C) Review all pleadings, motions, briefs and other documents prepared by the legal intern; and
 - (D) Sign any legal document or correspondence that a legal intern signs and ensure that the legal intern's name is followed by the title "legal intern."
- (6) Termination of Supervising Attorney. The failure of a supervising attorney to provide adequate supervision or to comply with the duties set forth herein shall be grounds for terminating her status as supervising attorney at the discretion of the Board and may be grounds for disciplinary action. In such a case, the legal intern shall cease performing any services under

this Rule and shall cease holding himself or herself out as a legal intern until or unless a new supervising attorney is approved by the Board.

(7) Attorney-Client Privilege. For purposes of the attorney-client privilege, a legal intern shall be considered a subordinate of the supervising attorney.

(8) Scope and Term of Legal Intern.

(A) Scope. The supervising attorney is responsible for assigning only those duties to the legal intern which the supervising attorney deems appropriate in light of the legal intern's experience and education. The legal intern is at no time permitted to appear before the court without the immediate presence of the supervising attorney. At any appearance before the court, the legal intern must state for the record his or her name followed by the title "legal intern." In any matter which the legal intern will be representing a client, the client shall be informed of the legal intern's status. If a client objects to the representation or involvement of a legal intern, the supervising attorney shall forthwith take over the case and the legal intern shall cease to be involved in any aspect of the case. No legal intern may receive payment from a client for his or her services; however, nothing contained herein shall prevent a legal intern from being paid for his or her services by the legal intern's employer.

(B) Term. The term of the legal intern shall be endorsed by the Board on the approved application. In no event shall the term exceed eighteen (18) months. If the approval of the law school dean is withdrawn, or the student ceases to be duly enrolled as a student prior to graduation or ceases to be in good academic standing, the privilege granted herein shall be terminated. The privilege granted herein may be revoked at any time upon the Board's own motion, with or without cause. Upon the termination of a legal intern's term or upon the happening of any event terminating the privilege of being a legal intern, the legal intern shall immediately cease performing any services under these rules and shall cease holding himself or herself out as a legal intern.

(b) Admission Prior to Judicial Reorganization Act of 1989. Any person who was admitted to practice law before the Commonwealth Trial Court prior to the effective date of the Commonwealth Judicial Reorganization Act of 1989 (Public Law 6-25), and any person who has been admitted to practice law in the Commonwealth pursuant to 1 CMC §§3601, 3602, 3603 as of the effective date of these Rules, as amended in 2000, shall be entitled to practice before the courts of the

Commonwealth according to the terms of admission then effective, until their term of admission expires or unless otherwise suspended or terminated.

- (c) Special Ethics Prosecutor or Other Limited Purpose Attorney. Any attorney the Board deems necessary for the prosecution of ethics matters or for other limited purposes, and who the Board deems fit to practice law in the Commonwealth for the stated limited purposes, shall be admitted to the Bar at the Board's approval to the extent necessary to carry out the specified limited purpose after a written request is made to the Board by the Bar or the Judiciary,.

RULE 74 – APPLICATION APPROVAL; LETTER OF LICENSURE; INELIGIBILITY

Rule 74-1. Application Approval and Letter of Licensure

- (a) Character and Fitness. Prior to recommending that an applicant be admitted to the Bar, the Board, in each instance, shall investigate the character and fitness of the applicant and determine the eligibility of the applicant for admission except as provided for provisional admission pursuant to Rule 71-5(c) herein.
 - (1) In investigating the character and fitness of an applicant, the Board may refer applications to any of the following: the NCBE, the chief disciplinary counsel, the advisory committee, any regional disciplinary committee, any investigatory personnel engaged by the Board, or personnel of the Supreme Court's clerk's office. Such entities shall report to the Board, which may make such further investigation as it deems necessary to inform itself concerning the character and fitness of the applicant.
 - (2) The Board may have medical records or other documents reviewed by physicians or other professionals to obtain such professional's expert opinion in cases involving a physical or mental impairment bearing upon an applicant's character and fitness.
 - (3) If necessary, in cases involving a physical or mental impairment bearing upon an applicant's character and fitness, the Board may request the applicant to undergo an independent evaluation or examination by a professional approved by the Board. The applicant shall bear the expense of any independent evaluation or examination deemed necessary by the Board to determine the applicant's character and fitness.
 - (4) If the investigation as to character and fitness of an applicant who applies to sit for the bar examination or Attorney's Exam is completed prior to the examination and the Board determines

that the applicant should not be approved for admission, the Board may deny the applicant permission to take the bar examination. The Board shall issue a written decision and the decision is subject to formal review under Rule 75-1 herein.

- (5) As part of its character and fitness determination, the Board shall consider any criminal conduct not within Rule 74-2(a) herein.
- (b) Letter of Licensure. Upon the completion of all of the requirements for admission to the Bar as provided by these Rules, a letter of licensure shall be issued to the applicant by the Supreme Court to the email address provided by the applicant in the application. The letter of licensure shall state that the applicant is eligible for admission to the Bar, shall state any applicable conditions or provisions of admission, and shall provide a date and time upon which the applicant may be sworn in. The letter of licensure is subject to revocation as provided by Rules 74-1(c) and 75-2(a) herein.
- (c) Denial of Admission Following Approval. Issuance of a letter of licensure shall not preclude the Board from subsequently determining that the applicant should not be approved for admission to the Bar at any time before the applicant takes the oath prescribed by Rule 75-2 herein. The Board retains jurisdiction over each applicant until actually licensed, and it may investigate, hold hearings, and/or revoke its approval at any time before the applicant takes the oath of admission. The Board shall also retain jurisdiction over any applicant who is provisionally admitted pending a final character and fitness report even where the applicant has taken the oath of admission in accordance with Rule 71-5(c) herein. Any request for hearing by the Board shall be governed by Rule 75-1 herein.

Rule 74-2. Ineligibility

- (a) Felony Conviction.
- (1) Any person, whether sentence is imposed or not, who has pleaded guilty or nolo contendere, or been found guilty of any felony in the Commonwealth, or any state, territory or possession of the United States, is not eligible to apply for admission to the Bar until five (5) years after the date of successful completion of any sentence or period of probation as a result of the conviction, plea, or finding of guilt.
- (A) A felony conviction as described in Rule 74-2(a)(1) herein is a per se disqualification to file an application for admission until after the period of ineligibility imposed by Rule 74-2(a)(1) herein has expired. Once the period of ineligibility has expired, the Board will consider the felony

in reaching a determination as to the applicant's character and fitness.

(2) Any application for admission to the Bar from a person who has pleaded guilty or nolo contendere to or been found guilty as specified in Rule 74-2(a)(1) herein shall show affirmatively, in addition to the other requirements of the application, that:

(A) Any sentence or period of probation was completed at least five (5) years ago;

(B) The cause of action has abated;

(C) Any person injured as a result of the conduct of the applicant has received restitution, the claims have been discharged by operation of law, or that the injured person has been notified at least ten days, but not more than ninety days, in advance of the filing of the application;

(D) All special conditions imposed, if any, have been satisfied; and

(E) The best interests of the public will be served by the applicant receiving a license.

(3) No person who has pleaded guilty or nolo contendere to or been found guilty as specified in Rule 74-2(a)(1) herein may apply for Limited Admission for Attorneys Employed by the Commonwealth Government as permitted by Rule 73-2 herein.

(b) Prior Denial or Pending Complaint.

(1) A person whose application has been denied, except as provided by Rule 74-2(a)(1) herein, is not eligible to apply for admission to the Bar for a period of five (5) years from the date the Board recommends denial of the application, unless the Board specifies a shorter period.

(2) A person having a complaint pending before the licensing authority of any other state or territory or who has been suspended or disbarred from the practice of law by the licensing authority of any state or territory is not eligible to apply for admission to the Bar of this jurisdiction during the time the complaint is pending or during the period of such suspension or disbarment. In no instance shall any such person be eligible for admission until the person has been fully reinstated by such authority or otherwise exonerated. Favorable resolution or termination of a complaint or reinstatement shall not bar or in

any way prohibit the Board from making an adverse determination as to character and fitness.

RULE 75 – REVIEW OF DECISIONS; HEARINGS; OATH

Rule 75-1. Review of Decisions; Hearings

(a) Request for Review by Applicant Following Admission Denial or Conditions.

(1) If the Board determines that the applicant shall not be certified as fit to practice law in the Commonwealth or recommends the imposition of conditions, the Board shall notify the applicant by email at the email address provided by the applicant in the application. The email shall appraise the applicant of the general areas or subject matters of the Board's concern and reasons for its decision. The Board shall not be required to itemize each basis for its determination.

(2) The applicant may request a formal review hearing of the Board's decision by serving a written request upon the Chairperson of the Board within fifteen (15) calendar days after the applicant has received email notice of the Board's decision. The written request for a hearing shall advise the Board of the precise matters desired to be covered at the hearing, any affirmative defenses the applicant may have and any matters in mitigation the applicant may wish the Board to consider.

(3) Time for the Hearing. The time of the hearing shall not be less than twenty (20) calendar days nor more than forty (40) calendar days from the date of the receipt of the applicant's request. The Chairperson may extend or shorten the time period for good cause shown.

(A) Any request for a continuance of a hearing by the applicant must comply with the following:

- (i) The request must be made in writing and signed by the applicant or the applicant's attorney;
- (ii) The request must set forth with particularity the reasons for the extension sought and whether previous hearings have been continued at the request of the applicant; and
- (iii) The request must be submitted to the Board as soon as practicable but, except in extraordinary circumstances, not later than seven days before the day upon which the hearing is scheduled.

(4) Hearing Process. The hearing process is not an adversarial proceeding but a fact finding process for the ultimate benefit of

the public interest. No discovery is permitted and contentious or overbearing or hostile tactics and presentation are discouraged.

(A) Upon request of the applicant, the Board shall request that the Clerk of this Court issue a subpoena to a third person (other than the employees of the office of the clerk, members of the Board, or employees or agents of the members of the Board) to compel testimony or to produce documents. The written request must be received at least seven days before any scheduled hearing and must demonstrate that such testimony, evidence, and documents, as the case may be, are reasonably calculated to aid the inquiry.

(B) At the hearing, the Board may designate a lawyer to represent it and to present such evidence bearing on the lack of qualifications of the applicant. The applicant shall have the right to be represented by counsel and present evidence in support of his or her qualifications and shall have the right to cross-examine any witness who appears at the hearing.

(C) A record of the proceedings shall be made.

(D) At any hearing, the Board may take testimony by telephone.

(E) Prior to the hearing, written interrogatories may be served upon any witness not in the Commonwealth. The answers to the written interrogatories and any exhibits submitted with them shall be admissible as evidence at the hearing.

(5) Decision. The Board's decisions following review under this Rule 75-1(a) shall be made in writing setting forth the reasons therefore, and a copy thereof shall be emailed to the applicant to the email provided by the applicant in the application within thirty (30) days after the conclusion of the hearing. The decision of the Board following any review hearing pursuant to this Rule 75-1(a) shall be final.

(b) Review of All Other Decisions. Any decisions by the Bar Administrator or by the Clerk of Court relating to the applications or other requirements of these Rules that are not tantamount to a denial of admission to the Bar, or do not relate to the imposition of conditions to admission, may be reviewed at the request of the applicant by the Chairperson of the Board or their designee. The applicant shall file a written request for review directly with the Chairperson within ten (10) days of the decision which is contested. The written request shall precisely advise the Chairperson of the decision that the applicant is contesting, when the applicant was notified of the decision, and why the decision should be reconsidered. If desired, the applicant may request an informal

hearing before the Chairperson or their designee in their written request for review. If a hearing is requested, the Chairperson or their designee shall schedule the hearing within ten (10) business days of the request. A written decision shall be emailed to the email address provided by the applicant in the application within fourteen (14) calendar days after the filing of the written request or following the hearing, which ever is later. The decision of the Board following any review hearing pursuant to this Rule 75-1(b) shall be final.

- (c) **Burden of Proof on Applicant.** The practice of law in the Commonwealth is a privilege. The burden of demonstrating that the requirements of these Rules have been met shall be upon the applicant.
- (d) **Hearing at the Request of the Board.** In any investigation or determination, the Board may order a hearing on its own motion either before or after action on any application. The Board shall notify the applicant in writing of the general areas or subject matter of the hearing as well as the time, place and date of the hearing. Any request by the applicant for a continuance of the hearing shall be made in accordance with Rule 75-1(a)(3) herein. The notice of the hearing shall be emailed to the applicant to the email address provided by the applicant in the application. The hearing process shall be informal and the provisions of Rule 75-1(a) herein do not apply.

Rule 75-2. Oath of Admission

- (a) **Time.** Within six (6) months after the date that the applicant is notified of his or her passing the bar examination, the applicant shall take the oath of admission. Failure to take oath in the prescribed period may result in revocation of the letter of licensure. In the event of revocation, the applicant shall be required to show cause for withdrawal of the revocation of the letter of licensure.
- (b) **Fee.** Prior to being sworn in, the applicant must pay a prescribed Certificate of Admission fee to the Bar Association.
- (c) Every person before being admitted to practice law in the Commonwealth shall take the following oath:

“I do solemnly swear that I will support and defend the Constitution and laws of the Commonwealth of the Northern Mariana Islands, the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the applicable provisions of the Constitution, laws, and treaties of the United States of America, and that I will faithfully and honestly discharge my duties as an Attorney and Counselor in the Courts of the Commonwealth, and in my capacity as an Attorney and Officer

of the Court, I will conduct myself with dignity and civility and show respect toward justices, judges, court staff, clients, fellow professionals, and other persons, to the best of my ability, so help me God.”