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

ANTONIO M. ATALIG and REYNALDO O. YANA,
Petitioners,

v.

COMMONWEALTH SUPERIOR COURT,
Respondent.

SUPREME COURT NO. 2008-SCC-0006-PET

Cite as: 2008 MP 19

Decided October 16, 2008

Antonio M. Atalig, Petitioner, Pro Se.
Reynaldo O. Yana, Petitioner, Pro Se.

BEFORE: MIGUEL S. DEMAPAN, Chief Justice; ALEXANDRO C. CASTRO, Associate Justice; JOHN A. MANGLONA, Associate Justice

PER CURIAM:

¶ 1 Antonio M. Atalig and Reynaldo O. Yana ("petitioners") seek review of a trial court order suspending them from the practice of law. Petitioners argue that the trial court acted in excess of its jurisdiction by suspending them under its inherent power over proceedings before it. We decline to consider whether petitioners' suspension was a proper exercise of the trial court's inherent power. Instead, we invoke our supervisory power to require the trial court to follow the Commonwealth Disciplinary Rules and Procedure when seeking to encumber an attorney's license to practice law. Because the trial court did not follow the disciplinary rules, petitioners' suspensions are VACATED and this case is REMANDED to the trial court for proceedings consistent with this opinion.

I

¶ 2 On February 16, 2007, this Court reversed a trial court order upholding $1,138,500 in attorney fees that petitioners were awarded from representing an estate in a related civil action. *Malite v. Tudela*, 2007 MP 3. We instructed the trial court to evaluate the propriety of the attorney fees in accordance with the Commonwealth Rules of Probate Procedure. *Id.* ¶ 2.

¶ 3 On remand, the trial court ordered petitioners to disgorge the attorney fees and provide a detailed billing statement so it could evaluate the reasonableness of the attorney fees. Petitioners provided a billing statement, however, the trial court found it to be both cursory and deficient. Furthermore, petitioners failed to disgorge the attorney fees, claiming the "fees received have already been distributed and exhausted by both counsels." *In Re Estate of Angel Maliti*, Civ. No. 97-0369 (NMI Super. Ct. Jan. 15, 2008) (Amended Order at 3). The trial court was not satisfied with either the billing statement or petitioners' refusal to disgorge the attorney fees. It ordered petitioners to submit a detailed accounting as to how the attorney fees were distributed and spent.[1]

¶ 4 On December 21, 2007, the set deadline for submitting the detailed billing statements, petitioners filed a motion requesting ninety additional days to compile the billing records. The trial court denied the motion and scheduled an order to show cause (OSC) hearing, requiring petitioners to demonstrate why they should not be held in contempt for their failure to disgorge

[1] The trial court ordered petitioners to provide the following information: "(1) names of person(s) to whom funds were distributed; (2) dates the funds were disbursed to the above-mentioned person(s); (3) amounts of funds distributed to the above-mentioned person(s); (4) purpose of distribution; and (5) documents in support of or proving that the distribution took place." *Id.*

the attorney fees, submit a detailing billing statement, or provide an accounting as to how the attorney fees were spent.

¶ 5 At the conclusion of the OSC hearing, the trial court was unpersuaded by petitioners' arguments and, as a result, found petitioners in contempt and orally suspended them from practicing law in "the Commonwealth of the Northern Mariana Islands." Transcript of Suspension Hearing at 13. On January 15, 2008, the trial court issued a written order, which stated that petitioners were in contempt for failure to disgorge the attorney fees, failure to provide a detailed accounting so the propriety attorney fees could be assessed, and failure to provide an accounting of how the attorney fees were exhausted. The written order suspended petitioners from practicing law "in the Superior Court" until they disgorge the attorney fees. *Id.*

¶ 6 Petitioners immediately filed a writ of prohibition in this Court. In so doing, they argued that the trial court acted in excess of its jurisdiction, requested that this Court vacate the suspension order, and sought review of other issues in the underlying case. Petitioners also filed a second writ of prohibition in conjunction with *Commonwealth v. Kaipat*, 2008-SCC-0003-PET, arguing that the trial court, in suspending petitioners from practicing law, intruded on this Court's authority to regulate the practice of law in the Commonwealth. On February 8, 2008, this Court issued an order severing the issue of attorney suspension from the other issues presented in the writs. *Atalig v. Superior Court*, 2008-SCC-0006-PET.

II

¶ 7 Every person practicing law in the Commonwealth is bound by the Commonwealth Disciplinary Rules and Procedure. Com. Disc. R. 1. The disciplinary rules provide a comprehensive procedure to discipline attorneys for professional misconduct. They require that "[a]ny complaint arising within the Judiciary as a result of direct acts or omissions of attorneys concerning violation of these rules shall be filed with . . . the Presiding Judge, if the conduct occurs in the Superior Court." Com. Disc. R. 4(a). Once properly notified, the Presiding Judge, or a respective designee, must determine whether to commence an investigation into the alleged misconduct or hold a disciplinary hearing in accordance with the procedures set forth in Rule 9. Com. Disc. R. 4(a). If the Presiding Judge orders an investigation, he may refer the matter to the Disciplinary Committee of the Northern Marianas Bar Association for investigation or he may order the trial court to conduct its own investigation. Com. Disc. R. 4(a)-(b), 6-7. If the Presiding Judge elects to hold a disciplinary hearing, he has the authority to determine which trial judge presides over it. Com. Disc. R. 4(a).[2]

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[2] Complaints relating to attorney conduct that are not levied by either the trial court or the Supreme Court are typically governed by Rule 4(b). For example, if an attorney violates the disciplinary rules, or

¶ 8 Before the trial court may conduct a disciplinary hearing, an attorney must be served with a complaint and have twenty days to file an answer. Com. Disc. R. 9(c). Additionally, the trial court "shall serve notice of the time and place of the hearing upon all counsel at least 10 days prior thereto." Com. Disc. R. 9(d). After providing proper notice, the trial court may hold a disciplinary hearing, which "shall be closed to the public, unless the respondent requests otherwise." The proceedings of the disciplinary hearing only become public when the trial court "finds a violation and impose[s] a sanction equal to or greater than public reprimand." Com. Disc. R. 9(f).

¶ 9 In the instant case, although the trial court demonstrated its familiarity with the disciplinary rules, it only applied them selectively. When describing the terms of petitioners' suspensions, the trial court relied heavily on Com. R. Disc. 15, which is the disciplinary rule governing suspension or disbarment. *Estate of Angel Maliti*, Civ. No. 97-0369 (Amended Order at 19). And the trial court clearly stated its intent to file a complaint with the Presiding Judge pursuant to Com. R. Disc. 4(a). *Id*. at 20. However, the trial court was equally clear that it was not relying on the disciplinary rules to suspend petitioners, but was instead relying on "the inherent power of the Court to regulate the practice of law for the protection of the public and to manage its own affairs so as to achieve the orderly and expeditious disposition of case[s]." *Id*. at 19. The trial court found its inherent power over the proceedings before it included the authority to suspend attorneys for civil contempt. We therefore find it appropriate to review the relationship between our disciplinary rules and the trial court's inherent authority in the context of attorney discipline.

Relationship between disciplinary rules and trial court's inherent authority

¶ 10 As a general principle, where rules exist to sanction misconduct occurring within the context of a court proceeding, courts should rely on such rules to the extent they provide adequate mechanisms to deal with the misconduct in question. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 50 (1991). When rules are inadequate, inherent power may be employed. *Id.* But even when rules provide an adequate remedy, courts are not necessarily precluded from acting pursuant to their inherent power. Indeed, Commonwealth courts possess inherent power to regulate the

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otherwise engages in unprofessional or dishonest conduct, the attorney's client may file a complaint with the disciplinary committee. Com. Disc. R. 4(b). The disciplinary committee must notify the Chief Justice and Presiding Judge of all complaints. Com. Disc. R. 4(b). If the disciplinary committee fails to act on the complaint, the Presiding Judge, or his designee, may order the court to conduct its own investigation or hold a disciplinary hearing. Com. Disc. R. 6. If the disciplinary committee investigates a complaint but recommends that it not be prosecuted, the Presiding Judge, or his designee, may order further investigation, appoint disciplinary counsel, or hold a disciplinary hearing. Com. Disc. R. 7(a). If the disciplinary committee recommends that an attorney be disciplined, the Presiding Judge "shall order a [disciplinary] hearing . . . ." Com. Disc. R. 7(b).

practice of law in proceedings before them regardless of whether redress can also be had through the disciplinary rules. *Matsunaga v. Matsunaga*, 2001 MP 11 ¶ 19. Not only does our case law support this proposition, our disciplinary rules state as much. Rule 1 states, "[n]othing herein contained shall be construed to deny any Court of the Commonwealth such powers as are necessary for that Court to maintain control over proceedings conducted before it, such as the power of contempt." Com. R. Disc. 1. Consequently, when disciplining attorneys, each Commonwealth court is bound by the disciplinary rules only to the extent the court's inherent power over the practice of law before it is lacking.

¶ 11 This Court's inherent power to discipline attorneys practicing before us is well established.[3] *See, e.g.*, *In re Nisperos*, 2007 MP 33 ¶ 7; *In re Roy*, 2007 MP 28 ¶ 3; *Saipan Lau Lau Dev., Inc. v. Superior Court*, 2001 MP 2 ¶ 37. The trial court's inherent power to do so is less clear. However, a brief review of our case law provides some clarity.

¶ 12 In *Commonwealth v. Borja*, we reversed a $10,000 sanction imposed by the trial court against the Attorney General's Office "for failure to take notice of local rules of procedure," and an additional $2000 per day conditional sanction if the Attorney General's Office failed to pay. 3 NMI 156, 162-63 (1992). Noting that the trial court did not specify the authority under which it acted, we saw fit to "examine the possible bases upon which the Superior Court may have imposed sanctions . . . ." *Id*. at 164. Without discussion, we concluded that the trial court must have acted through its criminal contempt or civil contempt power. *Id.* Although we reversed the sanctions on due process grounds, *id*. at 173, we nevertheless made clear that Commonwealth courts punishing criminal contempt do so through a statutory grant of authority, not inherent power. *Id*. at 166. Inherent power, however, is the source of the courts' authority to sanction civil contempt. *Id*. at 172.

¶ 13 *Borja* can be read to imply that the trial court's authority to sanction an attorney is coterminous with its contempt power. *Id*. at 164-65, 172-73. However, to the extent *Borja* is so read, our subsequent cases increasingly broadened trial court's authority to sanction misconduct beyond the confines of contempt. In *Lucky Dev. Co., Ltd. v. Tokai, U.S.A., Inc.*, we reversed an attorney suspension order issued by a trial court relying on its inherent power to punish attorney misconduct. 3 NMI 343, 354 (1992). We cited *Borja's* contempt-focused reasoning to find the

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[3] The conduct at issue in *In re: Nisperos* did not occur within an adversarial proceeding before us. 2007 MP 33 ¶ 3. However, because it came to our attention while respondent was seeking admission to practice law in the Commonwealth, we took jurisdiction over the matter without referring it to Disciplinary Committee or instructing the Presiding Judge to conduct a disciplinary hearing. Similarly, in *In re: Rhodes*, we held our own hearing after being notified of inconsistencies between a bar applicant's application for admission and his previous application for limited admission. 2002 MP 2 ¶ 1.

suspension an invalid criminal contempt punishment rather than an exercise of the trial court's inherent authority over its courtroom. *Id*. at 356-58. However, we took care not to foreclose the possibility that regulatory powers beyond contempt were available to the trial court.[4] *Id*. at 358.

¶ 14 *Tokai* did not expressly support extra-contempt regulatory power for the trial court, but our next case to address the issue did. In *Sonoda v. Villagomez*, we determined the trial court possesses "inherent judicial power to enforce its promulgated rules and may impose sanctions upon attorneys who violate the rules."[5] 3 NMI 535, 541 (1993). Accordingly, we upheld a $1000 sanction against an attorney for violating Com. R. Prac. 5. *Id*. at 544. Although we did not expressly overrule *Borja* – indeed, we cited it approvingly, *id*. at 541 – our reasoning in *Sonoda* departed from *Borja* in one significant way. Because *Borja* concluded that the trial court must have relied on its contempt power to sanction an attorney for violating court rules, the operative question then became whether the resulting sanction was a proper exercise of its criminal or civil contempt power. 3 NMI at 164. Since the sanction was punitive, it was likely an improper punishment for criminal contempt. *Id*. at 167. Similarly, under *Borja's* reasoning, the $1000 sanction in *Sonoda* would have been an improper punishment for criminal contempt. By upholding the sanction in *Sonoda*, we recognized that the trial court possesses inherent power to sanction attorneys for rule violations separate from its contempt power.

¶ 15 Following *Sonoda*, our next major case to consider the trial court's authority to sanction misconduct is *Matsunaga*, 2001 MP 11. At issue in *Matsunaga* was a trial court order disqualifying counsel and sanctioning him for violating the Model Rules of Professional Conduct. *Id*. ¶ 6. The trial court ordered counsel to reimburse attorney fees incurred by the party moving to disqualify him, and barred counsel from charging his client attorney fees for defending against the motion. *Id*. ¶ 7. Counsel maintained "that in the absence of a statute or rule authorizing the sanctions in question, the trial court lacked jurisdiction to impose and award sanctions . . . ." *Id*. ¶ 19. In rejecting appellant's argument, we articulated the trial court's inherent power in the broadest language to date. We stated, "[a] court may rely upon its inherent power to regulate the

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[4] We stated, "[t]here is no need to address the issue raised by [appellant] that the Superior Court has no authority to suspend an attorney. We limit our holding only to the conclusion that what is involved here is criminal contempt." 3 NMI at 358.

[5] At the time this Court delivered its decision in *Sonoda*, the trial court enjoyed the same degree of rule-making authority as did this Court. The Commonwealth Code granted the Chief Justice authority to propose rules for the Supreme Court and the Presiding Judge authority to propose rules for the Superior Court. 6 CMC § 3403. Rule-making authority is now vested solely in this Court, through the Chief Justice. NMI Const. art. IV, § 9(a). However, divesting the trial court of its rule-making authority did not divest it of power to sanction rule violations. *See Matsunaga v. Matsunaga*, 2001 MP 11 ¶ 19 (decided after the trial court lost rule-making authority, yet recognizing trial court's broad inherent power to regulate the practice of law).

conduct of lawyers appearing before it . . . even when specific statutes and rules regulating the conduct are in place." *Id*. Consequently, we affirmed the sanction as a valid exercise of the trial court's inherent power despite the fact that our disciplinary rules provide a means to address appellant's professional misconduct. *Id*.

¶ 16 We reached a similar conclusion in *Milne v. Lee Po Tin*, where we affirmed a sanction against appellant's counsel intended to compensate the opposing party for the cost of bringing a motion to dismiss for failure to prosecute. 2001 MP 16 ¶¶ 23-25. We noted that, although Com. R. Civ. P. 41(b)(1) lists only dismissal as a consequence for failure to prosecute, the trial court is free to fashion an appropriate sanction in such instances. *Id*. ¶¶ 22, 25. "Under its inherent power to control case management, and to regulate the practice of law both in and out of courts, the trial court may consider a range of appropriate sanctions, where . . . litigants or attorneys engage in dilatory conduct." *Id*. ¶ 25 (citations omitted).

¶ 17 Much like this Court, the trial court has inherent power to control the proceedings before it. Included within that inherent power is the authority to sanction attorney misconduct. Whether the misconduct is limited to a particular proceeding, as in *Milne*, or involves ethics violations that may have wider disciplinary ramifications, as in *Matsunaga*, the trial court retains a degree of inherent power to sanction misconduct in addition to that provided by rule.

Trial court's authority to suspend attorneys from practicing law

¶ 18 Our case law clearly upholds the trial court's inherent power to impose compensatory monetary sanctions for ethics and rule violations, *Matsunaga*, 2001 MP 11 ¶ 19, and as an alternative to dismissing a case for failure to prosecute. *Milne*, 2001 MP 16 ¶ 27. We have also affirmed, at least in principle, the trial court's inherent authority to impose punitive monetary sanctions on attorneys who fail to follow court rules. *Sonoda*, 3 NMI at 541-42 (upholding inherent power to sanction but reversing on procedural grounds). However, this Court has not directly addressed whether the trial court's inherent power includes the power to suspend attorneys from the practice of law. We have made clear that the trial court may not suspend an attorney for criminal contempt, but we have not considered whether suspension is available to a trial court acting through its inherent power to regulate proceedings before it. *Tokai*, 3 NMI at 358 (issue of trial court's authority to suspend not addressed because the attorney suspension was reversed as an invalid criminal contempt punishment).

¶ 19 The division of disciplinary authority between high courts, inferior courts, and bar associations is an issue with which many jurisdictions have grappled. However, few general principles readily present themselves because the question invariably involves the unique historical, constitutional, and statutory framework within which the particular jurisdiction

operates. In certain jurisdictions, a trial court's inherent power to control proceedings before it includes the authority to suspend an attorney from practicing in that particular courtroom, *In re: Ngo*, 2001-NMC-041 ¶ 25, to disbar an attorney from all trial courts in that particular district, *In re: Moseley*, 273 Va. 688, 698 (2007), or to disbar an attorney from the entire jurisdiction, *In re: Robinson*, 37 N.C. App. 671, 676 (1978). By contrast, trial courts in other jurisdictions do not have inherent power to suspend or disbar attorneys. *See, e.g.*, *In re: General Order of March 15, 1993*, 258 Ill. App. 3d 13, 17 ("the ability of the circuit court to suspend an attorney is not an aspect of the court's inherent ability to control its courtroom . . . ."). Because we dispose of this case on other grounds, we need not determine whether the inherent power of the Commonwealth trial court includes the authority to suspend attorneys from practicing law. Instead, we invoke our supervisory power to require trial courts to adhere to our disciplinary rules when seeking to encumber an attorney's license to practice law in the Commonwealth.

¶ 20 The United States Supreme Court first invoked its supervisory power over inferior federal courts in *McNabb v. United States*. 318 U.S. 332 (1946). In *McNabb*, federal agents interrogated the defendants for two days without arraigning them, as required by federal statute. *Id*. at 333-38. The defendants challenged the admission of their confessions on the ground of coercion. *Id*. at 338-39. The Court, declining to reach the coercion issue, held that its "supervisory authority over the administration of criminal justice in the federal courts" required it to exclude the evidence. *Id*. at 341. The Court justified its invocation of its supervisory power on the basis of courts' responsibility for "establishing and maintaining civilized standards of procedure" beyond the minimal protections of due process. *Id*. at 340.

¶ 21 In the years since *McNabb*, the United States Supreme Court has exercised its supervisory power to prescribe procedures for inferior courts. For example, in *Young v. United States ex rel. Vuitton*, the Court established a rule forbidding an inferior court from appointing an interested prosecutor in contempt proceedings. 481 U.S. 787, 808-09 (1987). In *Rosales-Lopez v. United States*, the Court established a rule requiring district courts to inquire into racial prejudice on voir dire when there is a possibility that racial prejudice may influence a jury. 451 U.S. 182, 190-92 (1981). In *Western Pacific Railroad Corp. v. Western Pacific Railroad Co.*, the Court relied on its supervisory power to issue guidelines regulating the way the courts of appeals consider petitions for rehearing en banc. 345 U.S. 247, 260-68 (1953). In each of these cases, the Court did not prescribe rules governing its own procedure. Rather, the Court displaced inferior court discretion by announcing rules governing the procedure of the inferior court. Consequently, the cases involved the Court's supervisory authority, as opposed to its rule-making authority under the Rules Enabling Act.

¶ 22 Neither *McNabb* nor its progeny explicitly cite the constitutional provision giving rise to the Court's supervisory power. However, the supervisory power likely stems from Article III of the United States Constitution, which grants the Supreme Court "judicial power." U.S. Const. art. III, § 1. A study of United States Supreme Court precedent indicates that the Court interprets Article III to grant federal appellate courts the inherent authority to accomplish those tasks necessary to the execution of the "judicial power." *See, e.g.*, *Chambers*, 501 U.S. at 43 ("It has long been understood that '[c]ertain implied powers must necessarily result to our Courts of justice from the nature of their institution,' powers 'which cannot be dispensed with a Court, because they are necessary to the exercise of all others.'") (quoting *United States v. Hudson*, 11 U.S. (7 Cranch) 32, 34 (1812)). In so doing, federal appellate courts can, in the absence of statutory guidance, rely on their implied Article III authority to create judicial guidelines and procedures for inferior federal courts. *See, e.g.*, *Burton v. United States*, 483 F.2d 1182, 1187 (9th Cir. 1973) (citing twenty nine cases in which courts exercised supervisory power). Consequently, this inherent authority to exercise its judicial power provides a constitutional basis for the Supreme Court's procedural regulation of inferior courts.[6]

¶ 23 Just as the United States Constitution grants the United States Supreme Court supervisory power over inferior federal courts, we find that the Commonwealth Constitution grants this Court supervisory power over the trial court. Indeed, the constitutional basis of our supervisory power is arguably stronger than the constitutional basis of the United States Supreme Court's supervisory power. While both the United States Supreme Court and the Commonwealth judiciary are granted "judicial power," *see* U.S. Const. art. III, § 1; NMI Const. art. IV, § 1, the United States Supreme Court's grant of inherent power is implicit whereas this Court's is explicit. NMI Const. art. IV, § 3. Moreover, the Commonwealth Constitution grants the Chief Justice, as the primary representative of this Court, with rule-making and administrative authority over the trial court. NMI Const. art. IV, § 9. The Chief Justice may propose rules governing "civil and criminal procedure, judicial ethics, admission to and governance of the bar of the Commonwealth, and other matters of judicial administration." *Id*. The Chief Justice may also designate pro tem judges to the trial court. *Id*. Taken together, these provisions indicate that this Court has rule-making and procedural authority over the trial court and may, therefore, prescribe rules and guidelines to govern trial court procedure.[7]

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[6] *See* Sara Sun Beale, *Reconsidering Supervisory Power in Criminal Cases: Constitutional and Statutory Limits on the Authority of the Federal Courts*, 84 Colum. L. rev. 1433, 1465, 1470 (1984).

[7] We are not the first appellate court outside the federal system to invoke our supervisory power over lower courts. *See, e.g.*, *Pierce v. State*, 677 N.E.2d 39 (Ind. 1997); *Shackelford v. Chester County*

¶ 24 Accordingly, we invoke our supervisory power to require trial judges wishing to encumber an attorney's license to practice law to do so by means of our disciplinary rules rather than resorting to their inherent power. At the very least, we consider disbarment, suspension, or censure to be encumbrances on an attorney's license to practice law. We do not, however, limit a trial judge's inherent power to maintain the integrity and decorum of his or her courtroom. Although trial judges must follow the proper disciplinary procedures in order to encumber an attorney's license to practice law, trial judges still have the full panoply of contempt proceedings and rule-based sanctions provisions to ensure their courtrooms remain respected and functional.

¶ 25 As noted above, our disciplinary rules do not diminish the inherent power of Commonwealth courts to regulate the conduct of attorneys practicing before them. This Court has, on occasion, invoked its inherent power to sanction attorneys who engaged in contemptuous, dishonest, or otherwise unjustified conduct before this Court. In such circumstances, we have refrained from referring the matter to the Presiding Judge for a disciplinary hearing before the trial court. Instead, we have exercised our discretion to conduct our own hearings in order to maintain the integrity of the proceedings directly before us. *See, e.g.*, *In re Roy*, 2007 MP 28 (suspending an attorney from practicing law after she unapologetically disregarded a court order to file a brief and engaged in disrespectful conduct toward the Court). The trial court also has the inherent power to sanction professional misconduct occurring before it. *Matsunaga*, 2001 MP 11 ¶ 19. Given our broad reading of the trial court's inherent power, we understand how a trial court might find its inherent power includes the authority to suspend attorneys from practicing law, and we express no opinion on the issue. However, we do not believe it a wise policy to permit individual trial judges to suspend attorneys, either from their courtroom or from all trial courts, unless such discipline is accomplished through adherence to our disciplinary rules.

¶ 26 The practical realities of our small legal community do not lend themselves to a decentralized disciplinary structure, particularly when a license to practice law is at issue. If trial judges were to discipline attorneys without regard to the guidelines set forth in the Commonwealth Disciplinary Rules and Procedure, the consequences might cripple the judiciary's ability to perform its constitutional duties. Even if a trial judge were to only suspend an attorney from practicing law before him or her individually, the reverberations would be felt throughout the trial court and would create a number of concerning questions. For example, if an attorney suspended before a particular trial judge files a new case in the trial court, is the attorney, or his

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Hosp., 690 A.2d 732 (Pa. Super. Ct. 1997); *Cruz v. Virginia*, 482 S.E.2d 880 (Va. Ct. App. 1997); *State v. Porter*, 526 N.W.2d 359 (Minn. 1995).

or her client, entitled to have the case assigned to a different judge? What happens when the only trial judge available to hear an emergency motion is one before whom the moving attorney is suspended? What is the responsibility of an attorney trying a case in Rota or Tinian when the attorney is suspended from practicing before the trial judge assigned to the Rota or Tinian docket? Would a change in venue be justified in such circumstances? Would the attorney's clients be prejudiced by their counsel having to withdraw late into judicial proceedings?

¶ 27 We prefer to avoid these potential questions and dilemmas by avoiding the situation giving them rise.[8] We therefore invoke our supervisory power to require trial judges to comply with the procedures set forth in our disciplinary rules before encumbering an attorney's license to practice law. In so doing, we note that our opinion should not be understood as an attempt to supplant our constitutional rule-making procedure with a broad supervisory power. First, as mentioned above, supervisory powers permit appellate courts to prescribe procedures only for inferior courts. When we act outside the confines of our own rules, we do so through our inherent power, not our supervisory power. *See, e.g.*, *Matsunaga*, ¶ 19. Second, our supervisory power emanates largely from our constitutional rule-making and administrative power, and therefore cannot supersede it. Resort to our supervisory power is appropriate only when our constitutional rule-making power is inadequate to address the issue before us. In the instant case, our rule-making authority does not provide an adequate remedy. Although we are clearly able to propose rule amendments expressly precluding trial court judges from suspending attorneys outside of a full disciplinary proceeding, rule amendments are prospective. Where, as here, the conduct has already occurred, we may invoke our supervisory power to correct such action and, in so doing, set future precedent.

III

¶ 28 For the foregoing reasons, we conclude that the trial court did not comply with the procedures necessary to suspend attorneys in the Commonwealth. Therefore, petitioners' suspensions from the practice of law are VACATED and this case is REMANDED to the trial court for proceedings consistent with this opinion.

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[8] Our concerns regarding piecemeal suspension before the trial court simply do not apply to suspension before this Court. Consequently, we will use our inherent power to suspend, disbar, or censure attorneys if, in our discretion, doing so is necessary to maintain courtroom decorum and protect the dignity of the Court.