

TITLE 1: GOVERNMENT
DIVISION 3: JUDICIAL BRANCH

§ 3601. Admission to Practice: Persons Previously Admitted to Practice.

Persons admitted to practice before the High Court of the Trust Territory of the Pacific Islands on or before January 9, 1978, persons admitted to practice before the Commonwealth Trial Court prior to May 2, 1989, and persons admitted to practice before the Supreme Court of the Commonwealth pursuant to this chapter as of September 14, 1996, shall be entitled to practice before the Supreme Court of the Commonwealth according to the terms of admission then effective, until their terms of admission expire or are otherwise suspended or terminated pursuant to the applicable rules of the Supreme Court or the bylaws of the Commonwealth of the Northern Mariana Islands Bar Association.

Source: PL 1-5, ch. 6, § 1, modified; amended by PL 6-16, § 1; PL 6-25, § 4; PL 10-26, § 3, modified.

Commission Comment: With respect to PL 1-5, see the comment to 1 CMC § 3501.

PL 10-26 took effect September 14, 1996. According to PL 10-26, §§ 1 and 2:

Section 1. Purpose. The purpose of this Act is to maintain in the Supreme Court the responsibility for governing the admission of attorneys to practice law before the courts of the Commonwealth and to apply the Rules of Admission to all applicants fairly and equitably. It is further the purpose of this Act to preserve the constitutional balance between three co-equal branches of government and facilitate the ability of the executive and legislative branches to efficiently and effectively obtain counsel of their choosing.

Section 2. Findings. The Legislature recognizes that Article IV, Section 8 of the Commonwealth Constitution provides that the judiciary of the Commonwealth may impose rules governing the admission to and the governance of the Bar of the Commonwealth. Consistent with the Constitution, 1 CMC § 3101 provides that “Admissions to the Bar are governed by the Supreme Court.” Therefore, admission to practice law in the Commonwealth should be in accordance with the Rules of Admission of the Supreme Court.

The Legislature further finds that the prescription of rules of admission and practice is primarily a legislative function delegated to the judiciary because of the special expertise of the courts in this area. *See Supreme Court of Virginia v. Consumers Union*, 446 U.S. 719 (1980). Regulation of conduct in and before the courts, however, falls within the inherent authority of the judiciary. Thus, regulation of admission to and conduct of the practice of law involves an overlap between legislative and judicial powers and should, for the most part, be left to the sound judgment of the supreme court.