GUAM RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW[1]

UPDATED THROUGH PROMULGATION ORDER NO. 06-007-19 (OCTOBER 15, 2026)

[1] **SOURCE:** Adopted pursuant to Promulgation Order (PRM) No. 06-007-01 (Oct. 26, 2006). Revised and updated by PRM 06-007-16 (Dec. 18, 2025), republished by PRM 06-007-17 (Mar. 13, 2026), effective March 15, 2026. Amended by PRM 06-007-18 (June 24, 2026); PRM06-007-19 (Oct. 15, 2026).

INTRODUCTION FROM THE SUBCOMMITTEE ON THE GUAM RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW

The Guam Rules Governing Admission to the Practice of Law were adopted by the Supreme Court of Guam in Promulgation Order No. 06-007-01 on October 26, 2006, pursuant to its authority under the 48 U.S.C. § 1424-l(a)(7). These rules replaced the admission rules previously promulgated by the Supreme Court of Guam.

The rules adopted in 2006 were drafted by the Subcommittee on Bar Admission and Attorney Discipline, co-chaired by Justice Robert J. Torres, Jr. and Judge Arthur R. Barcinas, included subcommittee members Cesar C. Cabot, Esq., Sirena P. Cassidy, Esq., Anthony C. Perez, Esq., Jeanne G. Quinata, Esq., Julie Rivera, Esq., Jacqueline T. Terlaje, Esq., Alberto E. Tolentino, Esq., Sam Taylor, Esq., Charlie Troutman, Esq., and Oliver Bordallo, Esq. The subcommittee reviewed the existing rules, and proposed amendments that incorporated portions of the existing statutes found in Title 7 GCA Chapter 9, Appendix A (1970). The revised rules were drafted with the intention of compiling all rules governing admission in one complete set, and are intended to repeal all other rules governing the admission to the practice of law, in an effort to reduce confusion and complications caused by having multiple sets of rules.

In 2025, the Subcommittee to Revise the Guam Rules Governing Admission to the Practice of Law, chaired by Justice Katherine A. Maraman and comprised of members Chief Justice Robert J. Torres, Judge Arthur R. Barcinas, Judge Elyze M. Iriarte, Hannah Gutierrez Arroyo, Esq. Jacqueline Terlaje, Esq., J. Basil O'Mallan, Esq., Jennifer Davis, Esq., Christian Spotanski, Esq., and Aaron Quitugua, reviewed and updated the admission rules. The revised and updated rules were adopted by Promulgation Order No. 06-007-16 on December 18, 2025, and further revised by Promulgation Order No. 06-007-17 on March 13, 2026. Following the first administration of the NextGen UBE in July 2026, the rules were updated by Promulgation Order 06-007-19 on (Oct. 15, 2026).

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RULE 1
BOARD OF LAW EXAMINERS

Rule 1.01. Membership.

The Board of Law Examiners ("the Board") shall consist of the Chief Justice and Associate Justices of the Supreme Court of Guam as members, and the Presiding Judge of the Superior Court of Guam and President of the Guam Bar Association as ex officio members. The Chief Justice or his designee shall serve as the Chairperson. The Clerk of the Supreme Court shall serve as the ex officio secretary-treasurer of the Board.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-06 (Feb. 14, 2011); PRM 06-007-16 (Dec. 18, 2025).

Rule 1.02. Powers and Duties.

The Board has charge of the investigation and examination of all persons who initially apply for admission to the Guam Bar. The Board may adopt suitable regulations, subject to approval by the Supreme Court, concerning the performance of its functions and duties. The Board has the power to subpoena and the authority to administer oaths and to take testimony under oath which may be exercised by any member of the Board in cases of applicants for admission to the Bar.

Rule 1.03. Meetings; Quorum.

The Board shall meet at least twice in each year at such times and places as its chairman 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. 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 1.04. Authority of the Chair.

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

Rule 1.05. 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. 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 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, including examination results except as specifically provided for herein, shall be considered confidential and privileged communications 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 and his counsel and to a Hearing Officer appointed to conduct the hearing.

(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, including U.S. territories and possessions, where the Applicant may apply for admission to the practice of law. The applicant, however, must request in writing that such information be supplied to such other authority on the understanding that such information will not be released to the applicant. 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 (NCBE) for dissemination to the bar admissions authority of any United States jurisdiction, including but U.S. territories and possessions, upon request. Moreover, an application for certification of fitness to practice law and application to take the bar examination may be released to Regulation Counsel under the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings in disciplinary matters. Finally, information and records may be disclosed as provided by order of the Court.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Section (c) amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 1.06. Communications with Board Members.

(a) All communications to or with the Board or any board member relating to pending applications for certification of fitness to practice law or to pending applications to take the bar examination or to the results of a pending examination or to eligibility for admission to the bar examination or to certificates of eligibility for admission to the practice of law and all communications with either board or any board member 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) Contact regarding bar examination results or admission concerns by telephone or otherwise with the members of the Board other than the secretary-treasurer, or with graders of the Guam Bar Examination, by an applicant, or his or her representative, is prohibited.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Section (a) amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 1.07. Immunity.

(a) Civil Immunity. The Board, its members and employees, shall be absolutely immune from civil suit in the same manner as members of the Judiciary in Guam for any conduct or communication in the course of their official duties. "Official duties" for the purpose of this Rule includes but is not limited to any conduct or communication dealing with 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 Guam.

(b) Qualified immunity. Those persons, including any person, firm, or institution, providing records, statements of fact or fact and opinion, or other information regarding an applicant for admission to the practice of law to the Board, its members and employees, shall be immune from civil suit for any conduct or communication sought or given in connection with the licensing of persons seeking to be admitted to the practice of law in Guam absent a clear and convincing showing that the information provided is defamatory and published by the informant with "actual malice." For purposes of this rule, "actual malice" means the informant provided the defamatory information with

(1) knowledge by the informant that the defamatory information was false at the time of its publication or, with

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(2) willful and reckless disregard of truth by the informant at the time of its publication. For purposes of this Rule, "defamatory" means that the statements or information tends to cast shame, contumely and disgrace upon the person referenced by the statement or information in question.

2026 NOTE: Section designations modified by the Compiler pursuant to the authority of 1 GCA § 1606.

Rule 1.08. Discoverability of Investigative Materials.

(a) All information provided, documents filed, or testimony given regarding any investigation or proceeding under these Rules shall be privileged and non-discoverable in any civil suit without a court order finding that

(1) the movant seeking the discovery is the person who is referenced by the alleged defamatory statement or information which is the subject of the discovery request;

(2) the information, document, or testimony is sought to prove an action under only Rule 1.06(b); and

(3) the movant establishes a prima facie showing to the court of the elements necessary to sustain an action under Rule 1.06 (b) regarding the document or information sought in the discovery request.

(b) Any materials released under such court order will remain privileged as to any other use.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

2024 NOTE: Section designations added by the Compiler pursuant to the authority of 1 GCA § 1606.

RULE 2
ADMISSION REQUIREMENTS

Rule 2.01. General Requirements for Admission to Bar.

(a) The Board shall administer the Guam Bar Examination and shall inquire into the character and fitness of applicants for admission. The Board shall certify as fit to practice law those applicants who have established to the Board's satisfaction that they possess the requisite character and fitness to practice law.

(b) A person is qualified for admission to the practice of law in the courts of Guam who proves to the satisfaction of the Board that the person

(1) is at least eighteen (18) years of age;

(2) is of good moral character and fitness, and whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them;

(3) has not been convicted in any court of a felony or any crime involving moral turpitude committed against a person or entity to whom the applicant owed a fiduciary duty recognized by law;

(4) has graduated from a law school in the United States, territories, or possessions which is accredited by the American Bar Association at the time of the person's graduation as provided in Rule 2.02;

(5) has filed an application in accordance with these Rules;

(6) has passed the Guam Bar Examination administered by the Board, which consists of the NextGen UBE with a score of at least 612 and the local component with a score of at least 70 (or satisfactory completion of an approved iteration of the local component as determined by the Board); and,

(7) has passed the Multistate Professional Responsibility Examination (MPRE) with a score of at least 80 points within three (3) years before or after the test date(s) during which the applicant passed the Guam Bar Examination.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Section (b) amended by PRM 06-007-16 (Dec. 18, 2025). Subsection (b)(6), (7) amended by PRM06-007-19 (Oct. 15, 2026).

Rule 2.02. Educational Requirements.

(a) Applications to take the Guam Bar Examination which show that the applicant has been certified as fit to practice law and has satisfied the undergraduate and legal education requirements of these Rules shall be approved by the Board. An applicant must have graduated with a J.D.,LL.B., LL.M., M.C.L., or S.J.D degree from a law school within the United States, its territories, or possessions and which is accredited by the American Bar Association at the time of the applicant's graduation.

(b) Transcripts or certifications showing an applicant's education eligibility to take the examination are required directly from the schools involved prior to examination. Hand-delivered and unofficial transcripts are not accepted. An applicant whose educational evidence has not been received prior to the date of the bar examination may not be permitted to take the examination. It is the applicant's responsibility to ensure that evidence of his or her educational qualification to take the examination is received by the Board in a timely manner.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-14 (Mar. 31, 2023); PRM 06-007-16 (Dec. 18, 2025).

RULE 3
APPLICATION, EXAMINATION AND SCORES

Rule 3.01. Application for Admission by Examination.

The Board shall prepare suitable application forms for admission by examination, and may require that the applications be accompanied by appropriate evidence that the applicant meets all criteria contained herein.

In applying for admission to practice, applicants should bear in mind the following:

(a) Deadlines specified in the Rules are rigidly adhered to. Unless otherwise indicated, postmarking by a deadline date satisfies the filing requirement.

(b) Applications are not considered filed until all information called for has been transmitted and all required fees have been paid. Fees may be paid by personal check but if the check is not honored, the application will not be considered as filed until a cashier's check or money order for the fee, plus any returned check fees, are received. Thus, if an application is filed on or near a deadline and the fee is paid by a personal check which is returned unpaid, and a cashier's check or money order, which includes the returned check fee, is received after the deadline, the application will not be considered as timely filed, and payment of an additional non-refundable late fee will be required.

(c) MBE transfers from earlier Guam administrations of the examination or from another jurisdiction are not accepted; however, scores of 80 scaled MPRE, or higher may be transferred from other jurisdictions for up to three (3) years after the test date on which the passing score was achieved. Upon passing the Guam Bar Examination, an applicant must successfully sit for the MPRE examination within three (3) years of the test dates during which he/she passed the Guam Bar Examination.

(d) Guam has no admission by comity or reciprocity. Everyone must take the entire two-day examination. As a limited exception to this policy, and upon payment of an administrative fee to the Board of $600.00, a person admitted as an attorney of the highest court of any state, district, commonwealth, territory or possession of the United States, and who is in good standing in such other jurisdiction may practice law in Guam as a temporary active member of the Guam bar under order of the Chief Justice of the Supreme Court of Guam for a total of five (5) years from the day of the order, with such temporary practice of law limited to full time employment with the Government of Guam, its agencies, offices, authorities, public corporations, branches, and instrumentalities, the Guam Legal Services Corporation, and the Guam office of the Micronesian Legal Services Corporation. The order of the Chief Justice shall be considered upon motion to the Supreme Court of Guam by the eligible employer under this rule with an affidavit or declaration from the applicant stating that the applicant is in good standing in every jurisdiction in which the applicant is admitted to practice law and is not the subject of discipline or public disciplinary investigation, and that the applicant graduated with a J.D.,LL.B., LL.M., M.C.L., or S.J.D degree from a law school within the United States, its territories, or possessions and which is accredited by the American Bar Association at the time of the applicant's graduation. Such motions must be accompanied by a certificate of good standing, dated within 30 days from the date of the motion, from all jurisdictions in which the applicant is admitted to practice law. If a person who was a temporary member of the Guam bar under this rule terminates his or her qualifying employment before the end of five (5) years, that person may later move for temporary admission for the balance of his or her five (5) year term, provided he or she meets all the qualifications for temporary admission. Such motion shall be in the form of the original motion.

Any person admitted as a temporary member of the Guam Bar under this rule may also petition the Chief Justice for an extension of up to three (3) more years from the date on which the five (5) year term is set to end. Petitions for such extension must be filed no sooner than nine (9) months and no later than six (6) months before the end of the original five (5) year term and must include: an affidavit or declaration from the petitioner stating that the petitioner is in good standing in every jurisdiction in which the petitioner is admitted to practice law and is not the subject of discipline or public disciplinary investigation. There shall be no fee required for filing a petition for extension. Petitions for extension must be accompanied by a certificate of good standing, dated within 30 days from the date of the petition, from all such jurisdictions in which the petitioner is admitted to practice law. If no petition for extension is filed within the time frame provided for in this rule, the term of temporary admission will end automatically five (5) years from the date of the original order granting temporary admission. Under no circumstances may any person practice under temporary admission for more than a cumulative, maximum total of eight (8) years.

The Board shall inquire into the character and fitness of every person seeking admission under this rule and any orders of temporary admission shall be conditioned upon the Board's subsequent certification of the person's character and fitness to practice law. Any motion for temporary admission under this rule, including motions for temporary admission for the balance of an applicant's unexpired five (5) year term must be accompanied by the Standard-07 Application, which is the Character & Fitness Request prepared by the NCBE within twelve (12) months of seeking temporary admission, the administrative fee paid to the Board as determined by the Supreme Court of Guam.

(e) Transcripts or certifications showing an applicant's education eligibility to take the examination are required directly from the schools involved prior to examination. Hand-delivered and unofficial transcripts are not accepted. An applicant whose educational evidence has not been received prior to the date of the bar examination may not be permitted to take the examination. It is the applicant's responsibility to ensure that evidence of his or her educational qualification to take the examination is received by the Board in a timely manner.

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SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Subsection (d), (e) amended by PRM 06-007-03 (Aug. 8, 2008); PRM 06-007-04 (Oct. 14, 2008). Subsection (e) amended by PRM 06-007-05 (Jan. 27, 2010); PRM 06-007-08 (Dec. 10, 2012). Subsection (d) amended by PRM 06-007-09 (May 14, 2015). Subsection (e) amended by PRM 06-007-10 (June 25, 2015); PRM 06-007-12 (Jan. 7, 2019); PRM 06-007-13 (July 28, 2022); PRM 06-007-14 (Mar. 31, 2023); PRM 06-007-16 (Dec. 18, 2025). Amended by PRM06-007-19 (Oct. 15, 2026).

CROSS REFERENCE: Rule 9.04 (Reciprocal Admission for Attorneys Admitted in the Commonwealth of the Northern Mariana Islands), adopted by PRM 06-007-18 (June 24, 2026)

Rule 3.02. Application Forms.

(a) The Board shall develop and publish forms, prescribe the information which must be furnished by the applicants, and shall establish requirements for updating of application forms for admission by examination.

(b) An application shall consist of:

(1) The Guam Bar Examination Registration Form; and

(2) the Standard-07 Application which is the Character & Fitness Request and Authorization and Release prepared by the NCBE.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Subsection (b) amended by PRM 06-007-04 (Oct. 14, 2008). Subsection (b)(1), (2) amended by PRM06-007-19 (Oct. 15, 2026).

Rule 3.03. Application Deadlines.

Deadlines specified in this Rule are rigidly adhered to. Unless otherwise indicated, postmarking by a deadline date satisfies the filing requirement.

(a) Filing Deadline. To be considered timely filed, applications for admission to practice law must be filed with the Board by the fifteenth day of December preceding the February bar examination, and by the fifteenth day of May preceding the July bar examination. If the preceding dates fall on a weekend or holiday, then applications will be accepted on the next day of business. No application will be accepted thereafter.

(1) Any person who was unsuccessful on any examination shall be allowed ten (10) days from the date of the general announcement of examination results in which to file an application to take the next examination if such announcement falls on, after, or within five (5) days prior to the application deadline provided above.

(2) To be considered timely, applications must be accompanied by all requisite fees and supporting documentation, such as, but not limited to, transcripts, certificates of good standing, and recent passport photograph, and must be received on or before the day of the deadline.

(3) Applications filed prior to the timely filing deadline which are incomplete or otherwise deficient shall be returned but may be re-filed prior to the late filing deadline. Upon receipt of the application, the Board 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 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.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025); PRM 06-007-17 (Mar. 13, 2026).

Rule 3.04. Fees and Refunds.

(a) The filing fee for all applicants for the Guam Bar Examination shall be set by the Supreme Court of Guam. The bar examination application fee is non-refundable except if an applicant timely withdraws

by the deadline set by NCBE, in which case the applicant shall be refunded the fee paid to the Guam Board of Law Examiners less $100.00. Any technology fee paid directly to NCBE (or to a third-party technology vendor at the direction of NCBE) for the administration of the NextGen UBE Bar Examination, separate from the Guam Bar Examination filing fee, shall be refundable only as set forth by NCBE. Fees paid to the Guam Board of Law Examiners for a particular bar examination shall not be transferable to a succeeding administration of the bar examination.

(b) Applications are not considered filed until all information required has been supplied and all fees have been paid.

(c) Fees may be paid by personal check, but if the check is not honored, the application will not be considered as filed until a cashier's check or money order for the fee plus any returned check fees are received.

If an application is filed on or near a deadline and the fee is paid by a personal check which is returned unpaid, and a cashier's check or money order, which includes the returned check fee, is received after the deadline, the application will not be considered timely filed. In this instance payment of an additional non-refundable late fee will be required (if remitted before the late filing deadline) or the applicant will not be allowed to sit for the examination (if remitted after the late filing deadline).

(d) Repeat takers must complete and file a new application with appropriate fees for each examination. A current certificate of Good Standing must be resubmitted from each jurisdiction to which the applicant is admitted. There is no limit to the number of times an applicant may take the bar examination.

(e) The Guam Bar Examination shall be administered and graded on an anonymous basis. Each applicant shall be assigned a number at random which will be used to identify the applicant's answers to the bar examination.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Subsection (a) amended by PRM 06-007-03 (Aug. 8, 2008); PRM 06-007-04 (Oct. 14, 2008); PRM 06-007-05 (Jan. 27, 2010); PRM 06-007-08 (Dec. 10, 2012); PRM 06-007-10 (June 25, 2015). Amended by PRM 06-007-16 (Dec. 18, 2025); PRM 06-007-17 (Mar.13, 2026).

Rule 3.05. Admission: Fees; Expenses; Compensation.

All fees required to be paid by applicants for admission to the Bar shall be paid to the Board, except those fees which the applicant may be required to pay directly to NCBE (or to a third-party technology vendor at the direction of NCBE).

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Revised and updated by PRM 06-007-16 (Dec. 18, 2025). Amended by PRM 06-007-17 (Mar. 13, 2026).

Rule 3.06. Guam Bar Examination.

The Guam Bar Examination will consist of two parts: the NextGen UBE Bar Examination developed by NCBE and a local question developed by the Guam Board of Law Examiners. The local question will be administered on the second day of the Guam Bar Examination, after the conclusion of the NextGen UBE Bar Examination. The local question is a stand-alone exam. Applicants for admission under Rule 3.09(d) of these Rules may be considered for conditional temporary admission, with the condition that they register for and pass the next succeeding local question administration following their grant of conditional temporary admission. Failure to do so will result in the automatic termination of their conditional admission.

(a) Local Question: The local question may be in an essay, multiple-choice, or true/false format, or on-demand online course. The Board may provide applicants with a list of local authorities in order to prepare for the local question. The authorities will be provided to applicants for preparation purposes only.

(b) Applicants must receive a score of 70.00 or higher to pass the local question component of the Guam Bar Examination, or achieve a certificate of completion should the Board implement an on-demand online course.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Subsection (a)(1) amended by PRM 06-007-02 (Apr. 26, 2007). Amended by PRM 06-007-16 (Dec. 18, 2025). Subsection (a), (b) amended by PRM06-007-19 (Oct. 15, 2026).

Rule 3.07. Passing of Examinations.

(a) The Board shall notify each bar applicant whether or not the applicant passed the examination as soon as practicable.

Rule 3.08. 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 80.00 or higher.

(b) The MPRE may be taken prior to or after the two-day Guam Bar Examination. An applicant must pass the MPRE examination within three (3) years before or after the test date(s) during which the applicant passed the Guam Bar Examination.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Section (b) amended by PRM 06-007-03 (Aug. 8, 2008); PRM 06-007-04 (Oct. 14, 2008); PRM 06-007-16 (Dec. 18, 2025).

Rule 3.09. Transferability of Scores.

(a) Applicants with a Qualifying UBE Score earned by the applicant on an administration of the Legacy UBE or NextGen UBE Bar Examination in another jurisdiction may request to transfer their scores to Guam.

(1) A qualifying score on the Legacy UBE is a scaled score of 262 or higher earned by an applicant on an administration of the Legacy UBE in another jurisdiction given within three years (3) preceding the application for admission based on a transferred score under subsection (d) below. The three-year period shall run from August 1 next following a July administration of the UBE through July 31 three years later, and from March 1 next following a February administration of the UBE through the last day of February three years later. In the event a UBE administration scheduled for a July or a February is postponed, scores earned on that postponed administration shall be treated as if the UBE had been administered on the originally scheduled dates. A Legacy UBE score of 262 or higher earned in another UBE jurisdiction shall continue to be a Qualifying UBE Score in Guam until that score expires, regardless of whether that score is earned before or after the Board begins to administer the NextGen UBE Bar Examination. Additionally, scores from a Guam administration of the MBE prior to July 2026 may be transferred to other jurisdictions.

(2) A qualifying score on the NextGen UBE is a scaled score of 612 or higher earned by an applicant on an administration of the NextGen UBE in another jurisdiction given within three years (3) preceding the application for admission based on a transferred score under subsection (d) below. The three-year period shall run from August 1 next following a July administration of the UBE through July 31 three years later, and from March 1 next following a February administration of the UBE through the last day of February three years later. In the event a UBE administration scheduled for a July or a February is postponed, scores earned on that postponed administration shall be treated as if the UBE had been administered on the originally scheduled dates.

(b) Requests for the transfer of MBE scores must be made directly with the NCBE.

(c) Requests for the transfer of MPRE scores must be made directly with the NCBE.

(d) Requests for the transfer of UBE scores or NextGen UBE Bar Examination scores obtained as part of the Guam Bar Examination must be made directly with NCBE. Applicants who wish to apply for admission in Guam using a Legacy UBE score or NextGen UBE score from another jurisdiction must complete the Guam Bar Exam Registration Form, satisfy all other application and admission requirements under Rules 2.02, 3.02, 3.03, 3.08, and 5, and take and pass the local question portion of Rule 3.06 of these rules.. Additionally, applicants who wish to apply for admission in Guam using a Qualifying UBE Score must cause the Board to receive from NCBE a valid score report demonstrating that the individual achieved a Qualifying UBE Score.

(e) Fees. Applicants who wish to apply for admission under Rules 3.09(a)(1) or 3.09(a)(2) shall pay an administrative fee of $650.00 payable to the Supreme Court of Guam. Applicants under this rule who have had a character and fitness report previously completed within the timeframe set by NCBE may be refunded a portion of the $650 administrative fee as determined appropriate by the Board of Law Examiners.

(f) Transfer of Scores from previous Guam Bar Examination. Applicants who sat for both components (NextGen UBE and local component) on a previous administration of the Guam Bar Examination but passed only one of those components and thus failed the Guam Bar Exam may transfer the score of the component they passed to a Guam Bar Examination taken within three (3) years after the Guam Bar Examination from which their score is transferred. Applicants who wish to avail of this rule must have taken both the NextGen UBE and the local question during the examination from which their score is transferred; applicants who did not take both components, hence not completing the Guam Bar Examination, may not transfer the score of the single component they took to a succeeding Guam Bar Examination.

(1) Applicants who transfer a NextGen UBE score of at least 612 from a previous Guam Bar Examination may take only the local component of a future Guam Bar Examination provided they timely register and sit for a Guam Bar Examination administered within three (3) years after the Guam Bar Examination from which their NextGen UBE score is transferred.

(2) Applicants who transfer a local question score of at least 70 from a previous Guam Bar Examination may sit for only the NextGen UBE component of a future Guam Bar Exam provided they timely register and sit for a Guam Bar Examination administered within three (3) years after the Guam Bar Examination from which their local question score is transferred.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025); PRM 06-007-17 (Mar. 13, 2026). Subsection (e) amended, (f) added by PRM06-007-19 (Oct. 15, 2026).

Rule 3.10. Time and Location of Examinations.

The Board shall conduct two examinations annually, each of which shall be held in the Guam Judicial Education Center, 120 W. O'Brien Dr., in Hagåtña or such other location as the Board may designate. Each examination shall be conducted on any two successive days and will be scheduled so as to coincide with the administration of the NextGen UBE Bar Examination prepared by the NCBE.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 3.11. Administration of the Bar Examination.

(a) The examination of each applicant shall be done in such a manner that the examination answer is not identifiable by name to the members of the Board.

(b) The Board shall appoint a sufficient number of monitors to ensure the examination is conducted in an orderly and expeditious manner and to ensure no applicant is given or receives aid in taking the examination. To facilitate the orderly administration of the exam, examinees who arrive at the designated

testing site after the examination has begun will be barred from entry and will not be allowed to participate in that block of testing. To avoid distracting other examinees, persons sitting for the exam will be required to ask any questions of the test administrator(s) prior to the commencement of the test; no queries will be entertained when the exam is underway. The Board shall establish any other rules and procedures to ensure the security and integrity of the bar examination before, during, and after it is administered. Any Board member or the test administrator may exclude any applicant from an examination who does not wear appropriate attire or who is disruptive or uncooperative.

(c) The Guam Bar Examination shall be limited to no more than fifty (50) applicants per administration, with twenty (20) of those seats reserved for applicants from Guam and Palau. If fewer than twenty (20) applicants from Guam and Palau apply by the regular deadline, those seats will be opened to applicants at large, if necessary.

(d) Each applicant shall, by taking the 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 applicants may also be required to write or type out the above oath and sign their signatures attesting to the truth of their statement during any part of the bar examination.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 3.12. Taking the Examination on a Computer.

(a) Unless an applicant receives an accommodation under Rule 3.13 below, any applicant desiring to take the Guam Bar Exam must take the NextGen UBE component on their own laptop computer or on one borrowed from another person for the purpose of taking the examination. The local question component shall be handwritten unless otherwise directed by the Board.

(b) The outlets provided are not to be used for anything other than providing power to the laptop computer brought by an applicant to take the Guam Bar Examination. No applicant may have more than one laptop computer.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025). Subsection (a) amended by PRM06-007-19 (Oct. 15, 2026).

Rule 3.13. Examination of Applicants with Accommodations.

All reasonable steps shall be taken by the Board to facilitate the examination of applicants who qualify for an exam accommodation. Applicants with a need for an accommodation must notify the Board of any reasonable accommodation(s) needed using Appendix B of this rule, titled "Application for Non-Standard Test Accommodations (NTA)." Absent good cause, such notification shall be filed at the time of the application but in no event later than seven (7) weeks before the first day of the examination if requesting non-standard testing materials, and no later than five (5) weeks before the first day of the examination for all requests other than for non-standard testing materials. The applicant may be required, as needed, to provide appropriate documentation to the Board. This Rule applies only to applicants with a physical or mental impairment that substantially limits one or more of the major life activities of such individual. Applicants should refer to Appendix C, titled "Guam Bar Examination Test Accommodations Handbook," for further guidance.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-14 (Mar. 31, 2023); PRM 06-007-16 (Dec. 18, 2025); PRM06-007-19 (Oct. 15, 2026)..

Rule 3.14. Misconduct.

(a) If, during an examination, evidence is brought to the Board's attention regarding conduct by an applicant which may violate any law or rule governing the examination, the Board shall cause an immediate investigation to be made. If the Board determines that an applicant has violated any law or rule governing the examination, it shall immediately disqualify the applicant from the examination.

(b) If at any time it shall appear to the Board that there is credible evidence which would establish that an applicant has:

(1) falsified the application or proofs required for admission to the bar exam;

(2) falsified the proofs required for admission to practice with or without examination;

(3) falsified the documentation submitted in support of a request for test accommodations under these Rules or secured such documentation under false pretenses;

(4) purposely failed to provide relevant information;

(5) utilized any unauthorized notes, books, recordings, electronically retrieved data or unauthorized materials while taking the bar examination, or secreted such materials for such use;

(6) obtained or used answers or information from or given answers or information to another applicant or any other person while taking the bar examination;

(7) written or designated any answers to questions on the bar examination prior to the announcement of the beginning of the examination session or after the announcement of the conclusion of the session;

(8) removed any examination materials or other notes made during the examination from the examination room;

(9) defaced, altered or stolen any examination materials after the administration of the examination; or

(10) done any of the above or compromised the process for admission to or administration of the bar examination;

then, the Board shall serve written charges on such applicant by certified mail, stating with particularity the facts on which such charges are based.

(c) The applicant, no later than 30 days after the service of charges may cause to be delivered to the office of the Board a verified answer to such charges. Such answer shall identify with specificity the charges disputed by the applicant, who shall set forth any evidence which can be adduced by the applicant in contradiction of such charges. The applicant may include in such written answer a request that the Board hold a hearing.

(d) In the event such applicant does not submit a written answer as provided in Subsection (c) the Board shall deem the facts set forth in the written charges to be true.

(e) The Board, on its own motion or at the request of such applicant, shall set a date for an adjudicatory hearing. The hearing may be held before a single member of the Board appointed by the chairman or before the Board as a whole or before a member of the Guam bar appointed as Hearing Officer by the Board. The applicant may be represented by counsel, and the hearing shall be reported and transcribed by a certified reporter.

(f) The hearing shall be conducted in accordance with the procedures set forth in Subsections (b) and (c) of Rule 6.01 of these Rules.

(g) The applicant shall be entitled to be represented and advised by counsel at his own expense at every stage of the proceeding. Any person who voluntarily appears or who is compelled to attend, and submit proof or testimony, at any hearing held under Subsection (e) of this Rule shall be entitled to be represented and advised by counsel at his own expense.

(h) If the applicant shall be found to have violated any of the provisions set forth in Subsection (b) of this Rule by reason of:

(1) applicant's admission that such charges are true, in whole or in part; or

(2) applicant's being in default in answering the specifications, in whole or in part; or

(3) determination of the Board, after a hearing, such determination shall be set forth in the Board's written decision, which shall be delivered to the applicant by certified mail, and some or all of the following penalties, and any other penalty which the Board may deem appropriate, may be imposed:

(A) forfeiture of all fees paid by the applicant;

(B) nullification of the examination taken or the application made by the applicant;

(C) disqualification of the applicant from taking the Guam Bar Examination or applying for temporary or pro hac vice admission for a period to be determined by the Board;

(D) transmission of a written report of the matter to the NCBE Character and Fitness Division;

(E) transfer of a written report of the matter to the Bar Admission Authority in any jurisdiction.

(i) If the applicant shall not be found to have violated any of the provisions set forth in Subsection (b) of this Rule by reason of, he or she shall be entitled to sit for the next succeeding exam without paying an additional fee, or other remedies as determined by the Board.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Section (i) added by PRM 06-007-16 (Dec. 18, 2025).

Rule 3.15. Notice of Scores.

(a) At the time the results of the Guam Bar Examination are announced, the Board shall give written notice to those applicants who failed to obtain an overall passing score on the Guam Bar Examination. The notice shall be sent by certified mail to the mailing address listed on the applicant's bar application, by electronic mail, or by personal service to the home address listed on the applicant's bar application, unless the applicant requests in writing that notice be sent to a different address. The notice shall contain the following information:

(1) That the applicant did not receive a passing score on the examination.

(2) That the Board has denied the applicant's application for admission to the Guam Bar.

(3) The applicant's total score on the Guam Bar Examination.

(b) An applicant's Guam Bar Examination results shall not be subject to review, regrade, or appeal.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 3.16. Filings.

All filings required to be made shall be made with the Board. Unless otherwise indicated, filings placed in the United States mail, properly addressed to the Board and bearing sufficient first-class postage and postmarked by or on a deadline date, will be considered as having been timely filed if all information called

for and all required fees are included in the mailing. Mailings which are postmarked after a deadline or which, if postmarked by or on a deadline date, are incomplete or which do not include required fees, or which include a check in payment of required fees which is not honored by the drawee bank, will not be considered as timely filed. Filings may also be delivered electronically to bole@guamcourts.gov, or personally to the Supreme Court of Guam Clerk's Office.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

RULE 4
[OMITTED]

2026 NOTE: PRM 06-007-01 (Oct. 26, 2006) adopted Rule 4 (Attorneys Exam), which was omitted in the subsequent revision and update of these rules.

RULE 5
REQUIREMENT OF GOOD MORAL CHARACTER OF APPLICANT

Rule 5.01. Investigations into Character and Fitness.

Prior to certifying an applicant as having the integrity and character requisite to be a member of the Guam Bar Association, the Board shall make such investigation as it deems necessary into the character, reputation and background of the applicant. Each applicant shall provide written authority to the Board to conduct such investigation, and each applicant shall authorize all persons to furnish the Board with such information and documents as it may request. The authority granted to the Board shall expire upon the applicant's admission to the practice of law in Guam, denial of his application, or upon the applicant's written withdrawal of his application.

Rule 5.02. Requirement of Good Moral Character.

No person shall be admitted to the practice of law in Guam, either by examination or on motion without examination, unless such person demonstrates to the Board, that he or she possesses good moral character, is mentally and emotionally stable, and is in good standing in every jurisdiction in which he or she has been admitted to practice and maintains an active status: Provided, that this rule shall not apply to an attorney admitted under Rule 8.01.

Rule 5.03. Evaluation of Applicants for Good Character, Fitness to Practice, and Financial Responsibility by NCBE and Board.

(a) Character Investigation. Each applicant shall undergo a character investigation by the NCBE.

(b) Review by the Board. The Board shall review the application to determine whether the applicant has provided character and fitness evidence. The Board shall consider, in the manner set forth under Rule 5.04, whether the evidence meets the standard of character and fitness set forth in Rule 5.02.

(c) Adverse Factors Generally. The following factors, among others, adversely reflect on an applicant's character and fitness to practice law and may constitute cause for additional inquiry or a recommendation to deny the application:

(1) unlawful conduct;

(2) academic misconduct;

(3) false statements;

(4) relevant and material omissions;

(5) misconduct in employment;

(6) acts involving, dishonesty, fraud, deceit, or misrepresentation;

(7) abuse of legal process;

(8) neglect of professional obligations;

(9) violation of a court order;

(10) denial of admission in another jurisdiction on character or fitness grounds;

(11) legal or professional disciplinary action in any jurisdiction;

(12) failure to conform conduct to the requirements of the law;

(13) a pattern of offenses, even ones of minor significance indicating indifference to legal obligation; and

(14) financial irresponsibility.

(d) Mitigating Factors Generally. When reviewing an applicant's conduct, the following factors, among others, may be considered as mitigating factors:

(1) the applicant's age at the time of the conduct;

(2) when the conduct occurred;

(3) reliability of the information concerning the conduct;

(4) seriousness of the conduct;

(5) circumstances in which the conduct occurred;

(6) the cumulative effect of conduct or information;

(7) evidence of rehabilitation;

(8) positive social contributions since the conduct;

(9) candor in the admissions process; and

(10) materiality of omissions or misrepresentations.

(e) Felony Convictions. An applicant who has previously been convicted of a felony or any crime involving moral turpitude or other serious crime carries a heavy burden of persuading the Board that he or she presently possesses good moral character sufficient to be invited into the legal community. Although such conviction will not as a per se bar to admission, the Board will presume the applicant ineligible for lack of good moral character unless he or she may persuade the Board otherwise. When assessing the moral character of an applicant whose background includes a criminal conviction, the following factors, which are intended to be illustrative rather than exhaustive, will be considered:

(1) the applicant's age at the time of the conduct ;

(2) the recency of the conduct;

(3) the reliability of the information concerning the conduct;

(4) the seriousness of the conduct;

(5) the factors underlying the conduct;

(6) the cumulative effect of the conduct or information;

(7) the evidence of rehabilitation;

(8) positive social contributions since the conduct;

(9) the applicant's candor in the admissions process;

(10) the materiality of any omissions or misrepresentations;

(11) the opinions of character witnesses about the applicant's moral fitness.

However, a felony or crime of moral turpitude committed by the applicant against a person/entity to whom the applicant owed a fiduciary duty recognized by law, and which involved the breach of any duty owed to such person/entity, shall constitute conclusive evidence that the applicant lacks the good moral character and fitness required to practice law, and such conviction shall, without regard to any other factor, act as a bar to admission.

Rule 5.04. Procedure for Demonstrating Good Moral Character.

(a) Form of application. The applicant for admission to the bar shall file with the Board an application, in such form as may be prescribed by the Board from time to time, designed to obtain from the applicant such information concerning the applicant's personal history and previous conduct as may be necessary to determine his or her moral character and qualification for membership in the bar. The application shall be filed under the requirements of Rule 3.01. A copy of the application shall be forwarded by the Board to the NCBE for investigation and preparation of a character report.

(b) Burden of proof. The applicant shall at all times have the burden of proving his or her good moral character before the Board. If an applicant fails to answer any question on the application or propounded by any member of the Board, or to supply any documentary material requested by them, the Board may find that the applicant has not met the burden of proving his or her good moral character.

(c) Documentary material. The applicant agrees that any and all documentary materials filed by the applicant in connection with his or her application may be offered into evidence, without objection, by the Board in any proceeding in regard to the applicant's admission to the practice of law.

(d) Procedure. After receiving the application from the Board and the character report from the NCBE, the Board shall promptly:

(1) determine whether to interview the applicant;

(2) verify the facts stated in the application and character report, determine whether to communicate with the references given therein, and make such further investigation as it may deem desirable or necessary;

(3) consider the character and fitness of the applicant to be admitted to the bar; and

(4) make a determination in regard to the character and fitness of the applicant for admission to the Bar.

If the Board ultimately determines that an applicant should not be admitted, it shall state so in writing.

(e) Continuing nature of investigation. The Board shall continue to have all applicants under observation and subject to further report until the date set by the Supreme Court of Guam for admission to the bar. Applicants shall be under the continuing obligation to notify the Board in writing of any change, and the nature of such change, relating to any information sought in the application.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Section (a) amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 5.05. Informal Conference, Permissive Withdrawal of Applications, Re-application.

(a) If the investigation of an applicant reveals information that calls into question the applicant's character or fitness to practice law, the Board may require the applicant to appear before the Board or any designated member for an informal conference concerning such information. The applicant may appear with counsel, if he or she desires.

(b) If after such a conference the Board believes that certification of fitness to practice law would be inappropriate, it may, in lieu of denying certification, permit the applicant to withdraw his application upon the understanding that after a period of rehabilitation to be determined by the Board, but not to exceed three (3) years, the Board will accept a new application from the applicant for consideration. Any new application submitted under this rule must be accompanied by the appropriate initial filing fee.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 5.06. Re-application after Denial.

The Board shall not accept a new application from an applicant who has been denied certification of fitness to practice law until three (3) years have elapsed from the date a tentative order of denial becomes final, a final decision is issued after a hearing and not appealed, or a final decision is affirmed by the court, whichever date is applicable.

Rule 5.07. Certification of Fitness to Practice Law.

Upon being satisfied that an applicant who had previously been denied certification of fitness to practice law in Guam possesses the integrity and character requisite to be a member of the Guam Bar Association, the Board may certify the applicant as fit to practice law. The Board shall conduct such investigation as it deems appropriate under the circumstances.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 5.08. Review of Certifications Prior to Admission to the Practice of Law.

Certifications of fitness to practice law shall be tentative until an applicant is actually admitted to the practice of law and may be reviewed by the Board upon its own motion or upon request for further review. In any case where further review is deemed necessary, the Board shall suspend the applicant's certification and shall so notify the applicant by certified mail.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 5.09. Law Enforcement Officers: Aid in Investigations.

It is the duty of all Guam law enforcement agencies to aid the Board, or its designee, in any investigation of the character and fitness of persons who apply for admission or reinstatement to the practice of law and to furnish all available information about such individual.

RULE 6
ADMINISTRATIVE HEARING

Rule 6.01. Administrative Hearing Procedure.

(a) Request for hearing. Prior to final determination that an applicant shall not be certified as fit to practice law in Guam, the Board shall notify the applicant by certified mail, electronic mail, or personal service that it has entered a tentative order of denial of his or her application for certification and advise the applicant of his or her right to a formal hearing regarding the reasons for the Board's tentative denial. Within fourteen (14) days after receipt of this notice, the applicant shall file his written request for a formal hearing

with the Board. If no request is filed within fourteen (14) days after receipt of the notice, the Board's tentative order shall become final and non-appealable. If a request is filed, the Board shall prepare specifications of the reasons for the Board's tentative order and mail them by certified mail to the applicant. Within twenty (20) days of receipt of the specifications the applicant shall file his answers thereto, and if any specification is not denied, it shall be deemed to have been admitted by the applicant. In addition to answering the specifications, the applicant may assert any affirmative defenses he may have and any matters in mitigation he may wish to have considered.

(b) Formal hearing. At the Board's discretion the hearing may be held before a single member of the Board appointed by the chairman or before the Board as a whole or before a member of the Guam bar appointed as Hearing Officer by the Board. The applicant may be represented by counsel, and a record shall be made of the proceedings.

(c) Time for hearing.

(1) The time of the hearing shall not be less than twenty (20) days nor more than forty (40) days from the date of the receipt of the applicant's answers to the specifications. The Board or hearing officer may extend or shorten the time period for good cause shown. At the hearing before the hearing officer, 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 present evidence in support of his or her qualifications and shall have the right to cross-examine any witness who appears at the hearing.

(d) Subpoena and contempt power. The Board shall have power to issue subpoenas through the Clerk of the Supreme Court. The Clerk shall prepare and have available for issuance at the request of the applicant or the Board, subpoenas returnable before the Board for attendance of witnesses or for the production of documentary evidence. Subpoenas, and other process of the Board, may be served in the same manner provided for service of subpoenas under the Guam Rules of Civil Procedure. The Board shall have jurisdiction co-extensive with the courts of Guam to compel the attendance of witnesses and the production of documents; and the failure of any person without adequate excuse to obey a subpoena or other process of the Board shall constitute contempt of the Board. All witnesses shall be entitled to such witness fees, mileage, and expenses as in any civil proceeding in this jurisdiction.

(e) Conduct of hearing. At the hearing, the Board or the hearing officer shall not be bound to strictly observe the rules of evidence but shall consider all evidence deemed relevant to the specifications and the answers, affirmative defenses and matters in mitigation in an effort to discover the truth without undue embarrassment to the applicant; provided, however, the Board's investigatory file with respect to matters not placed in issue by the specifications, answers, affirmative defenses and matters in mitigation shall not be subject to discovery or introduction into evidence. The hearing officer shall make written finding of facts and recommendations to the Board, which, however, shall not be binding upon the Board. Any witness not in Guam may testify remotely.

(f) Review by Board. If, after the formal hearing or review of the recommendations of the hearing officer, the Board determines not to certify the applicant as fit to practice law in Guam, it shall so notify the applicant in writing by certified mail, electronic mail, or personal service giving its reasons for its decision.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Section (a), (c), (e), (f) amended by PRM 06-007-16 (Dec. 18, 2025).

RULE 7
ADMISSION

Rule 7.01. Admission Procedure.

(a) Certification of Eligibility and Time Limitation for Satisfying Admission Requirements. The Board shall issue a certificate of eligibility, which shall be filed, along with a character report, with the Clerk of the Supreme Court of Guam, for every applicant who has complied with the requirements of the applicable rules and who has paid the statutory fee. The Board shall not certify an applicant to the Supreme Court for admission to practice law unless the applicant has satisfied all requirements for admission found in these Rules. Certification may be in such form as the Board prescribes, including a letter, bearing the seal of the Board and signed by the Chairman of the Board, or any member of the Board designated by the Chairman.

(1) To take the attorney's oath and be admitted to practice law in Guam, the applicant must take the attorney's oath within five (5) years of the last day of the administration of the Guam Bar Examination that the applicant passed, unless for good cause shown by clear and convincing evidence in a particular case the Board extends such time limitation. Delay in satisfying the admission requirements found in these Rules that is the result of an applicant's negligence shall not constitute good cause.

(b) General procedure. An applicant who is eligible for admission may be admitted to the practice of law in Guam within the time limitations set forth in paragraph(a), by taking the oath hereinafter set forth before a Justice of the Supreme Court, a Judge of the Superior Court, the Clerk of the Supreme Court, or, upon approval of the Supreme Court, a judge or justice of a court of another jurisdiction, No applicant shall be admitted without taking the oath administered in accordance with these Rules An affirmation may be given in lieu of an oath. The date of oath is the actual admission date of new attorneys.

(c) Conditional admission. An applicant's admission to practice may be conditioned for a specified period of time, either upon the recommendation of the Board and approval by the Supreme Court, or by the Court upon its own motion. Conditions imposed may include supervised practice, substance abuse treatment and counseling, mental health treatment and counseling, financial counseling, or other terms. Recommendations for conditional admission shall be considered, but not binding upon the Court. At the conclusion of the conditional admission period, the Board shall make a written recommendation to the Court as to whether the applicant is eligible for admission without conditions as having satisfied the terms of the conditional admission. The Court may revoke the conditional admission at any time.

(d) Oath of attorney. Upon being admitted to the practice of law in the courts of Guam, each applicant shall take and subscribe to the following oath or affirmation:

"I solemnly swear that I will support The Constitution of the United States, The Organic Act of Guam, the applicable statutes of the United States and the laws of Guam; that I will maintain the respect due to the courts of justice and judicial officers and that I will conduct myself honorably as an attorney at law; and that I will abide by the Guam Rules of Professional Conduct."

(e) Certificate of admission. Each applicant admitted may receive a certificate of admission suitable for framing. Such certificate shall be issued, upon payment of a fee as set forth in the fee schedule, in the name of the Supreme Court of Guam and shall be signed by the Chief Justice.

(f) Duty of Clerk of Court. It is the duty of the Clerk of the Supreme Court, when a person is admitted to the Bar by such court, to keep a record of such admission in the roll of attorneys and to transmit promptly to the Bar without charge certified copies of admission. When a member of the Bar is suspended, or disbarred, or held in contempt, and when a person is reinstated as a member of the Bar, it is the duty of the Clerk of the Court so doing to transmit to the Bar without charge certified copies of such orders.

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(g) Guam Bar Membership. No person is authorized to practice law in Guam, unless that person is a member in good standing of the Guam Bar Association, an integrated bar association.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Amended by PRM 06-007-16 (Dec. 18, 2025).

RULE 8
ADMISSION PRO HAC VICE

Rule 8.01. Admission in Pending Litigation before a Court or Agency.

(a) Definitions

(1) An "out-of-state" lawyer is a person not admitted to practice law in Guam but who is admitted in another state, territory, or commonwealth of the United States or the District of Columbia and not disbarred or suspended from practice in any jurisdiction.

(2) An out-of-state lawyer is "eligible" for admission pro hac vice if that lawyer:

(A) lawfully practices solely on behalf of the lawyer's employer and its commonly owned organizational affiliates, regardless of where such lawyer may reside or work; or

(B) neither resides nor is regularly employed at an office in Guam; or

(C) resides in Guam but

(i) lawfully practices from offices in one or more other states and

(ii) practices no more than temporarily in Guam, whether through admission pro hac vice or in other lawful ways.

(3) A "client" is a person or entity for whom the out-of-state lawyer has rendered services or by whom the lawyer has been retained prior to the lawyer's performance of services in Guam.

(4) An "alternative dispute resolution" ("ADR") proceeding includes all types of arbitration or mediation, and all other forms of alternative dispute resolution, whether arranged by the parties or otherwise.

(5) "Guam" refers to the jurisdiction promulgating this rule. This Rule does not govern proceedings before a federal court or federal agency in Guam unless that body adopts or incorporates this Rule.

(b) Authority of Court or Agency to Permit Appearance by Out-of-State Lawyer and Guam Lawyer's Duties Generally.

(1) Court Proceeding. A court of Guam may admit an eligible out-of-state lawyer retained to appear in a particular proceeding pending before such court to appear pro hac vice as counsel in that proceeding.

(2) Administrative Agency Proceeding. If practice before an agency of Guam is limited to lawyers, an eligible out-of-state lawyer may seek permission from the Supreme Court of Guam to appear pro hac vice before the agency. The Supreme Court, in its discretion, may admit an eligible out-of-state lawyer who has been retained to appear in a particular agency proceeding to appear as counsel in that proceeding pro hac vice.

(c) Guam Lawyer's Duties. When an out-of-state lawyer appears for a client in a proceeding pending in Guam, either in the role of co-counsel of record with the Guam lawyer, or in an advisory or consultative role, the Guam lawyer who is co-counsel or counsel of record for that client in the proceeding remains

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responsible to the client and responsible for the conduct of the proceeding before the court or agency. It is the duty of the Guam lawyer to advise the client of the Guam lawyer's independent judgment on contemplated actions in the proceeding if that judgment differs from that of the out-of-state lawyer.

(d) Application Procedure.

(1) Verified Application. An eligible out-of-state lawyer, seeking to appear in a proceeding pending in Guam as counsel pro hac vice shall file a verified application with the court where the litigation is filed. In the case of an administrative agency proceeding, the verified application shall be filed with, and determined by, the Supreme Court of Guam. The application shall be served on all parties who have appeared in the case and the Office of Regulation Counsel. The application shall include proof of service. The court has the discretion to grant or deny the application summarily if there is no opposition. The applicant shall submit a copy of the verified application and the fee as set forth below to the Supreme Court of Guam.

(2) Objection to Application. The Office of Regulation Counsel or a party to the proceeding may file an objection to the application or seek the court's imposition of conditions to its being granted. The Office of Regulation Counsel or objecting party must file with its objection a verified affidavit containing or describing information establishing a factual basis for the objection. The Office of Regulation Counsel or objecting party may seek denial of the application or modification of it. If the application has already been granted, the Office of Regulation Counsel or objecting party may move that the pro hac vice admission be withdrawn.

(3) Standard for Admission and Revocation of Admission. The courts and agencies of Guam have discretion as to whether to grant applications for admission pro hac vice. An application ordinarily should be granted unless the court or agency finds reason to believe that such admission:

(A) may be detrimental to the prompt, fair and efficient administration of justice,

(B) may be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent,

(C) one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk, or

(D) the applicant has engaged in such frequent appearances as to constitute regular practice in Guam.

(4) Revocation of Admission. Admission to appear as counsel pro hac vice in a proceeding may be revoked for any of the reasons listed in Section (d)(3) above.

(e) Application.

(1) Required Information. An application shall state the information listed on Appendix A to this rule. The applicant may also include any other matters supporting admission pro hac vice.

(2) Application Fee. An applicant for permission to appear as counsel pro hac vice under this Rule shall provide a non-refundable fee in accordance with the current fee schedule as determined by the Judicial Council, which shall be payable to the Supreme Court of Guam, located on the third floor of the Guam Judicial Center, at the time of filing the application. The applicant shall furnish proof of payment to the court where the application is filed. An applicant for pro hac vice admission must file a verified application with all courts before which the matter is pending, such that admission pro hac vice in the Superior Court does not carry over to admission pro hac vice in the Supreme Court should the same case proceed to appeal. However, no additional application fee shall be assessed for multiple applications for the same out-of-state lawyer in the same case.

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(f) Authority of the Supreme Court of Guam and the Office of Regulation Counsel: Application of Ethical Rules, Discipline, Contempt, and Sanctions.

(1) Authority over Out-of-State Lawyer and Applicant.

(A) During pendency of an application for admission pro hac vice and upon the granting of such application, an out-of-state lawyer submits to the authority of the courts and the Office of Regulation Counsel for all conduct relating in any way to the proceeding in which the out-of-state lawyer seeks to appear. The applicant or out-of-state lawyer who has obtained pro hac vice admission in a proceeding submits to this authority for all that lawyer's conduct

(i) within Guam while the proceeding is pending or

(ii) arising out of or relating to the application or the proceeding.

An applicant or out-of-state lawyer who has pro hac vice authority for a proceeding may be disciplined in the same manner as a Guam lawyer.

(B) The court's and the Office of Regulation Counsel's authority includes, without limitation, the court's and the Office of Regulation Counsel's rules of professional conduct, rules of discipline, contempt and sanctions orders, local court rules, and court policies and procedures.

(2) Familiarity with Rules. An applicant shall become familiar with the rules of professional conduct, rules of discipline of the Supreme Court of Guam, local court rules, and policies and procedures of the court before which the applicant seeks to practice.

SOURCE: Adopted by PRM 06-007-01 (Oct. 26, 2006). Section (e)(2) amended by PRM 06-007-09 (May 14, 2015). Section (b)(2), (d)(1), (e)(2) amended by PRM 06-007-11 (June 14, 2017). Amended by PRM 06-007-16 (Dec. 18, 2025).

Rule 8.02. Out-of-State Proceedings, Potential Guam and Out-of-State Proceedings, and All ADR.

(a) Guam Ancillary Proceeding Related to Pending Out-of-State Proceeding. In connection with proceedings pending outside Guam, an out-of-state lawyer admitted to appear in that proceeding may render in Guam legal services regarding or in aid of such proceeding.

(b) Consultation by Out-of-State Lawyer.

(1) Consultation with Guam Lawyer. An out-of-state lawyer may consult with a Guam lawyer concerning the Guam lawyer's client's pending or potential proceeding in Guam.

(2) Consultation with Potential Client. At the request of a person in Guam contemplating a proceeding or involved in a pending proceeding, irrespective of where the proceeding is located, an out-of-state lawyer may consult in Guam with that person about that person's possible retention of the out-of-state lawyer in connection with the proceeding.

(c) Preparation for Guam Proceeding. On behalf of a client in Guam or elsewhere, the out-of-state lawyer may render legal services in Guam in preparation for a potential proceeding to be filed in Guam, provided that the out-of-state lawyer reasonably believes he is eligible for admission pro hac vice in Guam.

(d) Preparation for Out-of-State Proceeding. In connection with a potential proceeding to be filed outside Guam, an out-of-state lawyer may render legal services in Guam for a client or potential client located in Guam, provided that the out-of-state lawyer is admitted or reasonably believes the lawyer is eligible for admission generally or pro hac vice in the jurisdiction where the proceeding is anticipated to be filed.

(e) Services Rendered Outside Guam for Guam Client. An out-of-state lawyer may render legal services while the lawyer is physically outside Guam when requested by a client located in Guam in connection with a potential or pending proceeding filed in or outside Guam.

(f) Alternative Dispute Resolution ("ADR") Procedures. An out-of-state lawyer may render legal services to prepare for and participate in an ADR procedure regardless of where the ADR procedure is expected to take or actually takes place.

(g) No Solicitation. An out-of-state lawyer rendering services in Guam in compliance with this Rule or here for other reasons is not authorized by anything in this rule to hold out to the public or otherwise represent that the lawyer is admitted to practice in this jurisdiction. Nothing in this Rule authorizes out-of-state lawyers to solicit, advertise, or otherwise hold themselves out in publications as available to assist in litigation in Guam.

(h) Temporary Practice. An out-of-state lawyer will only be eligible for admission pro hac vice or to practice in another lawful way only on a temporary basis.

(i) Authorized Services. The foregoing services may be undertaken by the out-of-state lawyer in connection with a potential proceeding in which the lawyer reasonably expects to be admitted pro hac vice, even if ultimately no proceeding is filed or if pro hac vice admission is denied.

RULE 9
TEMPORARY PRACTICE BY FOREIGN LAWYERS

Rule 9.01. Certain Temporary Practice Authorized.

A lawyer who is admitted only in a non-United States jurisdiction shall not, except as authorized by this Rule or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law, or hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. Such a lawyer does not engage in the unauthorized practice of law in this jurisdiction when on a temporary basis the lawyer performs services in this jurisdiction that:

(a) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(b) are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the lawyer, or a person the lawyer is assisting, is authorized by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorized;

(c) are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute resolution proceeding held or to be held in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice;

(d) are not within paragraphs (b) or (c) and

(1) are performed for a client who resides or has an office in a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or

(2) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization;

(e) are governed primarily by international law or the law of a non-United States jurisdiction.

SOURCE: Adopted by PRM 06-007-07 (Jan. 24, 2012).

Rule 9.02. Required Status of Lawyer in Foreign Jurisdiction.

For purposed of this grant of authority, the lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and subject to effective regulation and discipline by a duly constituted professional body or a public authority.

SOURCE: Adopted by PRM 06-007-07 (Jan. 24, 2012).

Rule 9.03. Temporary License of Spouse of a Military Servicemember.

(a) Qualifications. An applicant who meets the requirements listed in (1) through (10), below may be temporarily licensed and admitted to the practice of law in Guam, under order of the Chief Justice of the Supreme Court of Guam. Applicant:

(1) is the spouse of an active duty servicemember of the United States Uniformed Services as defined by the Department of Defense and that servicemember is on military orders stationed at Andersen Air Force Base, Naval Base Guam, Marine Corps Base Camp Blaz, or any other official military installation as may be established in Guam or the Mariana Islands in the future;

(2) is admitted as an attorney of the highest court of any state, district, commonwealth, territory or possession of the United States, and who is in good standing in such other jurisdiction;

(3) meets the admission requirements of sections 2.01 and 2.02 of this Rule;

(4) is currently a member in good standing in every jurisdiction to which the applicant has been admitted to practice;

(5) is not currently subject to lawyer discipline in any other jurisdiction;

(6) meets the Moral Character requirements under Rule 5, as required of all applicants for admission and licensing in Guam;

(7) is physically residing in Guam due to the servicemember's military orders;

(8) has certified that he or she has read and is familiar with the Guam Rules of Professional Conduct; and

(9) has paid an administrative fee to the Board in the amount of $600.00.

(b) Application Requirements. Any applicant seeking a temporary license under Rule 9.03 to practice law in Guam shall:

(1) file a declaration or affidavit attesting to the fact that the applicant meets all enumerated requirements of this rule and an application for character investigation, including all required supporting documents, in the manner established by the Board;

(2) submit a copy of the applicant's Military Spouse Dependent Identification and documentation evidencing a spousal relationship with the servicemember;

(3) provide a copy of the servicemember's military orders to a military installation in Guam, or a letter from the servicemember's command verifying that the requirement in section Rule 9.03(a)(1) is met;

(4) submit certificate(s) of good standing from the highest court of each jurisdiction to which the applicant has been admitted, dated within thirty (30) days of the Rule 9.03(b)(1) declaration or affidavit;

(5) submit the Standard 07 Application, which is the Character & Fitness Request and Authorization and Release form prepared by NCBE.

(c) Issuance, Renewal and Subsequent Application.

(1) Issuance. Upon approval and certification by the Board, the applicant for temporary license shall, upon registration and payment of applicable fees and taking the oath of admission as set forth in Rule 7.01(e), become a member of the Guam bar and may practice as any other member regularly admitted to practice law in Guam. An attorney temporarily licensed under this section shall be subject to the same membership obligations, including payment of fees and continuing legal education requirements, as other active members of the Guam bar, and all legal services provided in Guam by a lawyer licensed and admitted under this Rule shall be deemed the practice of law and shall subject the attorney to all rules governing the practice of law in Guam, including the Guam Rules of Professional Conduct. The original term of the license is three (3) years.

(2) Duration and Renewal.

(A) Persons who hold a temporary license under this provision may apply for subsequent one-year extensions to their license upon filing petition for extension with the Board. The petition for extension must be filed at least thirty (30) days before the expiration of the temporary license and must include sworn verification that the temporarily licensed attorney continues to meet all the qualifications for temporary license as set forth in paragraphs (a), (b) and (c) of this section. Petitions for extension must be accompanied by a certificate of good standing, dated within thirty (30) days from the date of the petition, from all such jurisdictions in which the petitioner is admitted to practice law. If no petition for extension is filed within the time frame provided for in this rule, the term of temporary admission will end automatically three (3) years from the date of the original order granting temporary admission.

(B) When the active duty servicemember is assigned to an unaccompanied or remote follow-on assignment, either on Temporary Duty Orders or Permanent Change Station, and the temporarily licensed attorney continues to physically reside in Guam, the temporary license may be renewed until the active duty servicemember's unaccompanied or remote assignment ends, provided that the attorney spouse complies with the other requirements for renewal.

(d) Termination.

(1) Event of Termination. An attorney's temporary license to practice law under this Rule shall immediately terminate and the attorney shall immediately cease all activities under this section upon the occurrence of any of the following:

(A) the spouse's discharge, separation, or retirement from active duty in the United States Uniformed Services, or the spouse's no longer being on military orders stationed at Andersen Air Force Base, Naval Base Guam, Marine Corps Base Camp Blaz, or any other official military installation as may be established in Guam or the Mariana Islands in the future, except as provided in Rule 9.03(c)(2)(B);

(B) failure of the temporarily-licensed attorney to meet any licensing requirements applicable to all active attorneys possessing a license to practice law in Guam, including failure to submit a timely petition to renew the temporary license;

(C) the attorney no longer physically residing in Guam;

(D) the request of the temporarily licensed attorney to terminate, in compliance with Rule 8(i) of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings;

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(E) the suspension, disbarment, or other action affecting the temporarily licensed attorney's good standing with the Guam bar or any other jurisdiction in the United States in which the temporarily licensed attorney is licensed.

(2) Notices Required.

(A) An attorney temporarily licensed under this section shall provide written notice to the Board and Office of Regulation Counsel of any Event of Termination within thirty (30) days of the occurrence thereof;

(B) Within thirty (30) days of the occurrence of any Event of Termination, the temporarily licensed attorney shall:

(i) provide written notice to all his or her clients that he or she can no longer represent such clients and shall furnish proof to the Board and the Office of Regulation Counsel within forty-five (45) days of such notification; and

(ii) file in each matter pending before any court or tribunal in Guam a notice that the attorney will no longer be involved in the matter, which shall include such other attorney licensed to practice law in Guam selected by the client, as counsel in the place of the temporarily licensed attorney.

SOURCE: Adopted by PRM 06-007-15 (Aug. 30, 2024). Section (a) amended by PRM 06-007-16 (Dec. 18, 2025). Subsection (b)(1), (4), (5) amended by PRM06-007-19 (Oct. 15, 2026).

Rule 9.04. Reciprocal Admission for Attorneys Admitted in the Commonwealth of the Northern Mariana Islands.

(a) Eligibility. An attorney who is currently admitted to practice law in the Commonwealth of the Northern Mariana Islands (CNMI) by examination and who is in good standing in the CNMI may apply for admission to the Guam Bar by reciprocity under this Rule, provided the applicant is not subject to pending disciplinary charges in any jurisdiction and is otherwise eligible for admission under these Rules.

(b) Application; required materials. An applicant seeking admission by reciprocity under this Rule shall submit to the Clerk of the Supreme Court of Guam:

(1) a completed "Application for Reciprocal Admission to the Guam Bar";

(2) an original or certified Certificate of Good Standing issued by the CNMI not more than 30 days before the date of the application;

(3) original or certified Certificates of Good Standing from any other jurisdiction in which the applicant has been admitted to practice, each issued not more than 30 days before the date of the application;

(4) "Attestation of Familiarity with Guam Rules and Authorities," and

(5) any additional information or documentation the court may reasonably require to determine eligibility.

(c) Fee. The application fee for admission by reciprocity under this Rule is fifty dollars ($50.00) payable to the Supreme Court of Guam at the time of filing the Application for Reciprocal Admission.

(d) Investigation and determination. The court may inquire into the applicant's disciplinary history and may require further documentation, testimony, or a hearing. The court may deny condition, or grant admission based on its determination.

(e) Oath and admission. Upon approval of the application and payment of all required fees, the applicant shall take the oath prescribed by law and shall be admitted to the practice of law in Guam upon duly registering with the Guam Bar Association.

SOURCE: Adopted by PRM 06-007-18 (June 24, 2026).

APPENDIX A TO RULE 8.01(e)(1)

The out-of-state lawyer application shall include:

(1) the applicant's residence and business address;

(2) the name, address and phone number of each client sought to be represented;

(3) the courts before which applicant has been admitted to practice and the respective period(s) of admission;

(4) whether the applicant

(A) has been denied admission pro hac vice in Guam,

(B) had admission pro hac vice revoked in this state Guam, or

(C) has otherwise formally been disciplined or sanctioned by any court in this state Guam.

If so, specify the nature of the allegations; the name of the authority bringing such proceedings; the caption of the proceedings, the date filed, and what findings were made and what action was taken in connection with those proceedings;

(5) whether any formal, written disciplinary proceeding has ever been brought against the applicant by a disciplinary authority in any other jurisdiction within the last five (5) years and, as to each such proceeding: the nature of the allegations; the name of the person or authority bringing such proceedings; the date the proceedings were initiated and finally concluded; the style of the proceedings; and the findings made and actions taken in connection with those proceedings;

(6) whether the applicant has been held formally in contempt or otherwise sanctioned by any court in a written order, in the last five (5) years for disobedience to its rules or orders, and, if so: the nature of the allegations; the name of the court before which such proceedings were conducted; the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings (a copy of the written order or transcript of the oral rulings shall be attached to the application);

(7) the name and address of each court or agency and a full identification of each proceeding in which the applicant has filed an application to appear pro hac vice in Guam within the preceding two years; the date of each application; and the outcome of the application;

(8) an averment as to the applicant's familiarity with the rules of professional conduct, rules of discipline of the Supreme Court of Guam, local rules and court procedures of the court before which the applicant seeks to practice; and

(9) the name, address, telephone number and bar number of an active member in good standing of the bar of Guam who will sponsor the applicant's pro hac vice request. The bar member will be the lawyer of record for the client(s) the applicant seeks to represent.

(10) Optional: the applicant's prior or continuing representation in other matters of one or more of the clients the applicant proposes to represent and any relationship between such other matter(s) and the proceeding for which applicant seeks admission.

(11) Optional: any special experience, expertise, or other factor deemed to make it particularly desirable that the applicant be permitted to represent the client(s) the applicant proposes to represent in the particular cause.

APPENDIX B TO RULE 3.13
APPLICATION FOR NON-STANDARD TEST ACCOMMODATIONS (NTA)

Guam Board of Law Examiners

APPLICATION FOR NON-STANDARD TEST ACCOMMODATIONS (NTA)[1]

This application should be used by: applicants requesting test accommodations on the Guam bar examination for the first time; applicants who were denied accommodations on a prior examination; applicants for re-examination who did not previously request accommodations; and applicants for re-examination who were granted accommodations in the past. *Please refer to the Test Accommodations Handbook, which includes the Guidelines for the Documentation of Attention Deficit/Hyperactivity Disorder, Guidelines for the Documentation of Learning and Other Cognitive Disabilities, Guidelines for the Documentation of Physical and Chronic Health Disabilities, Guidelines for the Documentation of Psychiatric Disabilities, and Guidelines for the Documentation of Visual Disabilities, when completing this application.* To be timely, the completed application with all required supporting documents must be received in the Board's office by the application deadline.

Introductory Information

**If additional space is needed to complete the application, you may supplement your response using separate sheets of paper, indicating with specificity the portion(s) of the application which you are supplementing.*

1. Last Name: _____ First Name: _____ Middle Name:_____
2. Date of Birth:_____
3. Mailing Address: _____
4. Email Address: _____
5. Phone Number: _____
6. Bar examination for which application is made: February _____ | July _____
   (Year) (Year)

(continue to next page)

[1] Source: New York State Board of Law Examiners Application for Non-Standard Test Accommodations (August 2021)

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Disability Description and History

7. I am requesting accommodations on the basis of the following disability/disabilities.
Only those disabilities checked below will be considered by the Board:

□ ADHD / ADD □ Physical Disability □ Vision Disability

□Learning Disability (i.e. reading, writing) □ Psychiatric Disability □ Hearing Disability

□ Other:_____

8. I was first professionally diagnosed with_____*(state diagnosis)* at the age of_____in _____*(year)* by_____(*Name of Qualified Professional*).

9. This diagnosis was most recently confirmed or reassessed at the age of_____in_____*(year)* by _____ (*Name of Qualified Professional*).

Test Accommodations Requested

10. List all accommodations you are requesting for the Guam bar examination. (If you are requesting additional testing time you must also answer Question 11.)

_____
_____
_____
_____

11. Additional testing time**:** Do you request extra testing time to take the bar exam? □ Yes □ No
If yes, specify the amount requested (*e.g.*, 25%, 50%, or 100% of the standard testing time):

□25% □50% □100% □Other:_____

(continue to next page)

History of Accommodations

For questions 12 through 16, please use the following instructions: If you were granted accommodations, check "Yes" and list *all* accommodations you received. Provide the name(s) of the college(s) or school(s) attended and include the time frames when the accommodations were granted (*i.e.* senior year only, all years, etc.). If you did not request accommodations, check "No." Explain why accommodations are now requested on the Guam bar examination. If you applied for accommodations and were denied, check "denied." Explain why your request was denied and provide the denial letter from the institution. If you did not attend the type of school or take the exam indicated, check "N/A".

12. Did you receive test accommodations in **Law School**?
□ Yes (provide documentation) □ No request made □ Denied (provide denial letter) □ N/A (explain below)

_____

13. Did you receive test accommodations during your **Undergraduate Studies**?
□ Yes (provide documentation) □ No request made
□ Denied (provide denial letter) □ N/A (explain below)

_____

14. Did you receive test accommodations for **Secondary Education (High School)**?
□ Yes (provide documentation) □ No request made □ Denied (provide denial letter) □ N/A (explain below)

_____

15. Did you receive test accommodations or other services during **Elementary Education**?
□ Yes (provide documentation) □ No request made □ Denied (provide denial letter) □ N/A (explain below)

_____

16. Did you receive test accommodations for the following **Standardized Exams**?

ACT □ Yes (provide documentation) □ Did Not Request □ Denied (provide denial letter) □ N/A

GMAT □ Yes (provide documentation) □ Did Not Request □ Denied (provide denial letter) □ N/A

GRE □ Yes (provide documentation) □ Did Not Request □ Denied (provide denial letter) □ N/A

LSAT □ Yes (provide documentation) □ Did Not Request □ Denied (provide denial letter) □ N/A

MCAT □ Yes (provide documentation) □ Did Not Request □ Denied (provide denial letter) □ N/A

MPRE □ Yes (provide documentation) □ Did Not Request □ Denied (provide denial letter) □ N/A

SAT □ Yes (provide documentation) □ Did Not Request □ Denied (provide denial letter) □ N/A

TOEFL □ Yes (provide documentation) □ Did Not Request □ Denied (provide denial letter) □ N/A

NOTE: If you took an exam multiple times but did not receive accommodations for all administrations of the exam, please so indicate:

_____

_____

Supporting Documentation

17. Medical Documentation:

A. *Recent Medical Documentation*. You must include a copy of a comprehensive written report from a qualified professional who conducted an individualized assessment and who gave the diagnosis which forms the basis for this request for test accommodations. The report must be recent and comply in all other respects with the Board's documentation guidelines (*e.g. Guidelines for the Documentation of Attention Deficit/Hyperactivity Disorder, Guidelines for the Documentation of Learning and Other Cognitive Disabilities, Guidelines for the Documentation of Physical and Chronic Health Disabilities, Guidelines for the Documentation of Psychiatric Disabilities, and Guidelines for the Documentation of Visual Disabilities*). If you have more than one disability, you must submit recent medical documentation to support each disability. We recommend that you provide a copy of the applicable documentation guidelines to your qualified professional before s/he prepares the report.

B. *Historical Documentation*. If the application for test accommodations is based upon a condition commonly appearing although not always formally diagnosed in childhood, such as a learning disability, Attention Deficit/Hyperactivity Disorder, or other cognitive disorder, it is extremely helpful to include: documentation of your first formal diagnosis, and copies of any available historical documentation (i.e. report cards, IEPs, teacher comments, etc.) that can establish a childhood onset of symptoms and impairment.

18. Personal Statement: Provide a personal statement, no longer than 750 words, describing when you first became impaired by your disability, when you were first formally diagnosed, how your disability affects your daily life activities, including your educational and testing functioning, and how your disability affects your ability to take the bar examination under standard testing conditions, and explaining how each accommodation requested alleviates the impact of your disability. *If English is a second or foreign language, please include the age at which you first began learning and speaking English.*

19. Proof of Past Accommodations: Provide proof of past accommodations received, if any, for other bar exams, law school, college, and prior standardized examinations (i.e., LSAT, SAT, MPRE, TOEFL, etc.). If a request for accommodations was ever denied, provide a copy of the denial letter.

20. Test Scores and Transcripts. For applications based on Learning Disabilities, ADHD, or other cognitive disorders, provide copies of your score reports on the SAT/ACT and LSAT, transcripts from all colleges and law schools attended. If English is a foreign or second language, provide any TOEFL scores received.

21. Prior or Concurrent Bar Examinations**:** If you have ever applied for a bar examination in any jurisdiction other than Guam, or if you are applying for a concurrent bar examination, list each such jurisdiction and complete the information below.

Jurisdiction # 1 _____

Month and Year of Exam _____

Accommodations Requested _____

Accommodations Granted _____

Did you pass? _____

Jurisdiction # 2 _____

Month and Year of Exam _____

Accommodations Requested _____

Accommodations Granted _____

Did you pass? _____

22. Disciplinary Proceedings. Have you ever been found guilty of, or are you currently charged with or the subject of an investigation regarding, fraud, dishonesty or other misconduct in connection with the administration of a bar examination of any other jurisdiction? □ Yes □ No (check one)

If you checked "**Yes**" to the foregoing question, you must provide separate statement to the Board setting forth the institution/jurisdiction, date(s) of incident, explanation of the circumstances, the stage of proceedings, the disposition, and any penalties imposed, for each matter.

Note: Make sure to complete the Certification, Authorization, and Release, and Checklist on the following pages.

APPENDIX C TO RULE 3.13
GUAM BAR EXAMINATION TEST ACCOMMODATIONS HANDBOOK

SUPREME COURT OF GUAM

Guam Board of Law Examiners

Guam Bar Examination
Test Accommodations Handbook[1]

Guam Board of Law Examiners
Supreme Court of Guam
120 W. O'Brien Dr., Ste. 300
Hagatna, Guam 96910
bole@guamsupremecourt.com
671.475.3120

[1] Source: New York State Board of Law Examiners Test Accommodations Handbook (revised May 2021)
Reference: Guam Rules Governing Admission to the Practice of Law

GENERAL INFORMATION

Introduction

The Guam Board of Law Examiners (Board) will provide reasonable nonstandard test accommodations (NTA) at no additional cost to qualified applicants with disabilities as defined under the American with Disabilities Act, as amended (ADA). The extent of accommodations will be consistent with the nature and purpose of the examination and exam format and necessitated by the applicant's disabilities. Applicants may direct their questions to a Board representative at (671) 475-3120 or via email to bole@guamsupremecourt.com.

The Americans with Disabilities Act of 1990 as Amended (ADA)

The ADA and applicable regulations define a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities as compared to most people in the general population. The Board provides reasonable and necessary test accommodations to applicants who are qualified to take the bar examination and who are disabled under the ADA and relevant regulations and case law.

Guam Rules Governing Admission to the Practice of Law

Rule 3.13. Examination of Applicants with Special Needs. All reasonable steps shall be taken by the Board to facilitate the 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. Absent good cause, such notification shall be filed at the time of the application but in no event later than four (4) weeks prior to the first day of the examination for requests requiring non-standard test materials and two (2) weeks prior to the first day of the examination for requests not requiring non-standard test materials. The applicant may be required, as needed, to provide appropriate documentation to the Board. For purposes 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.

The Purpose of Test Accommodations

The purpose of test accommodations is to provide equal access to the bar examination. Test accommodations are adjustments or modifications to the standard testing conditions which alleviate the impact of the applicant's impairment on the examination process without: fundamentally altering the nature of the examination; imposing an undue administrative or financial burden on the Board; compromising the security, validity, or reliability of the examination; or providing an unfair advantage to the applicant with the disability. Test accommodations must be reasonable, consistent with the nature and purpose of the examination, and necessitated by the applicant's disability.

While the use of accommodations on the bar examination should enable applicants to better demonstrate their knowledge mastery, test accommodations are not a guarantee of improved performance, test completion, or a passing score.

Applicant's Burden of Proof under the ADA

The burden of proof is on the applicant to establish a disability as defined by the ADA and to establish the need for test accommodations. Requests for test accommodations are evaluated on a case-by-case basis. Applicants are required to complete the appropriate application in accordance with these instructions. The documentation necessary to support a request for test accommodations varies with the nature of the exam format and disability and is described in the documentation guidelines provided with this document: Guidelines for the Documentation of Attention Deficit/Hyperactivity Disorder, Guidelines for the Documentation of Learning and Other Cognitive

Disabilities, Guidelines for the Documentation of Physical and Chronic Health Disabilities, Guidelines for the Documentation of Psychiatric Disabilities, and Guidelines for the Documentation of Visual Disabilities. Documentation that sufficed in other testing situations may not be sufficient to support a request for accommodations on the Guam bar examination.

Who Should Complete an Application for Test Accommodations?

Applications for test accommodations should be completed only by those individuals with disabilities under the ADA who require test accommodations on the bar examination. Accommodations do not automatically "carry-over" from one exam to the next. You must timely submit one of the following each time you are requesting test accommodations:

Application for Test Accommodations.

This application must be timely submitted by applicants requesting test accommodations on the bar examination for the first time; applicants who were granted or denied accommodations on a prior bar examination; and applicants for re-examination who did not previously request accommodations.

Re-Application for Test Accommodations.

Re-applications requesting different or additional accommodations based on a change in the nature or extent of your disability or a new medical evaluation, you must submit new comprehensive medical documentation which demonstrates the change in your disability since the last bar examination you took or applied for. Your new medical documentation must be in full compliance with the Board's guidelines. Failure to provide new supporting documentation will result in the denial of your request for different/additional accommodations, and your re-application will be treated as one for the same accommodations you received on the last examination. If you are re-applying on the basis of a NEW disability or condition, you must submit comprehensive medical documentation in compliance with the Board's documentation guidelines, just as if this were an initial application.

Exceptions

Food and Drink

The Board generally prohibits drinking and eating in the examination room, although applicants may store food and drinks with their personal belongs. The Board may, however, allow access to drinks and food in the examination room if a reasonable request is made prior to the start of the exam.

Medications

Applicants may store over-the-counter and prescribed medications with their personal belongings and access them during the exam without prior request and approval. However, applicants must complete an application if they require special accommodations related to the use of medication, including, but not limited to, additional testing time and special medication storage requirements. No additional time or other special accommodations related to medication use will be given without prior approval from the Board. Medications must be brought and stored in their original containers, unless otherwise approved by the Board.

Hygiene Products

Applicants may store their personal hygiene and menstrual products with their personal belongings and access them during the exam without prior request and approval.

Assistive Devices

Applicants who seek permission to bring certain assistive devices, including, but not limited to, hearing aids and diabetic supplies, into the examination room must make a written request to the Board. Nursing applicants seeking off-the-clock breaks or a separate testing room to use a lactation pump must submit a written request to the Board. The Board will not require that an application for nonstandard testing be submitted but may request additional information from the applicant regarding their request. If the request is granted, the applicant shall be responsible for supplying and maintaining their assistive device, and for ensuring that use of the assistive device does not cause disruption to other applicants.

DEADLINE

Rule 3.13 of the Guam Rules Governing Admission to the Practice of Law states, in pertinent part, "[a]pplicants with a special need or special needs must notify the Board of any reasonable accommodation(s) needed. Absent good cause, such notification shall be filed at the time of the application but in no event later than four (4) weeks prior to the first day of the examination for requests requiring non-standard test materials and two (2) weeks prior to the first day of the examination for requests not requiring non-standard test materials.

Applicants bear the responsibility of timely submitting requests for special accommodations. Applicants are encouraged to submit their requests as soon as practicable as the Board may not be suited to accommodate certain requests within 2 weeks prior to the exam, such as large-font nonstandard NCBE test materials.

Applicants should keep a copy of the completed application and all documentation that is submitted to the Board for their own records. The Board will consider only those applications that are timely submitted.

Incomplete Applications

The Board will consider only those applications that are complete. To be complete, each applicable question must be answered and all required supporting documentation must be timely submitted.

Please note that some supporting documentation may need to be obtained from third parties. Applicants must plan accordingly to ensure all documentation is available by the submission deadline.

Review Process for Applications for Test Accommodations.

Independent Review

The Board may have any application for special accommodations, together with all supporting documentation, evaluated by an expert(s) in the appropriate area of disability for a fair and impartial professional review. The Board may, in its discretion, require the applicant to provide additional information and documentation in support of the request, and may also require the applicant to submit to examination by an expert professional designated by the Board. The Board will notify the applicant in writing of the additional information it seeks and of a deadline to submit such information.

Appeals

The Board's determination of any request for accommodation is final and not appealable.

Other Eligibility Requirements

All applicants, whether granted accommodations or not, must meet all eligibility requirements set forth in the Guam Rules Governing Admission to the Practice of Law to sit for the Guam bar examination. Likewise, applicants who receive a passing score on the Guam bar examination must meet all eligibility requirements set forth in the Guam Rules Governing Admission to the Practice of Law to be admitted to the Guam bar.

Guidelines for Attention Deficit/Hyperactivity Disorder

The Americans with Disabilities Act (ADA) as amended defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities as compared to most people in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete.
Applicants must provide a comprehensive assessment which contains the following information:

1. Set forth the qualifications of the evaluator. The report should establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification, and specialization in the area of the diagnosis. Professionals conducting assessments and rendering diagnoses of ADHD must be qualified to do so. Comprehensive training in the differential diagnosis of ADHD and other psychiatric disorders and direct experience in the diagnosis and treatment of adults is necessary. If multiple diagnoses are given, the evaluator must demonstrate he or she is qualified to make all diagnoses.

2. The documentation must be current (Recent Documentation). The granting of reasonable test accommodations is based on assessment of the current impact of the applicant's disability on the testing activity. Since the manifestations of a disability may vary over time and in different settings, the following guidelines apply:

   (a) Your medical documentation must be no more than five years old measured from the date of the evaluation to the date of your current application for test accommodations.

   (b) If you were evaluated as an adult (age 21 or older), the Board will consider that documentation, even if it is more than five years old, but if the documentation is not comprehensive (discussed below), the Board may ask you to supplement the documentation.
   If an evaluation is outdated or inadequate in scope or content, it should be updated by a qualified professional to address the current level of functioning and the continued need for test accommodations.

3. Documentation to substantiate the disability must be comprehensive. Objective evidence of a substantial limitation in a major life activity must be provided. Since the symptoms of ADHD are first exhibited in childhood (although it may not have been formally diagnosed) and are manifested in more than one setting, objective, relevant, historical information is essential. Therefore, a clinical evaluation should provide information verifying a chronic course of ADHD symptoms from childhood through adolescence to adulthood, such as educational transcripts,

report cards, teacher comments, tutoring evaluations, job assessments, past psycho-educational testing, etc. At a minimum, the comprehensive written report must be on professional letterhead, typed, dated, signed, and otherwise legible and should contain the following information:

A. Diagnostic interview and history taking. The report must include a summary of a comprehensive diagnostic interview that includes relevant background information to support the diagnosis. Information collected by the qualified professional must consist of more than self-report. Information from third party sources is critical in the diagnosis of adult ADHD. The evaluation must include a summary of a comprehensive diagnostic interview that should include, but not necessarily be limited to, the following:

(1) History of presenting attentional symptoms, including evidence of ongoing impulsive/hyperactive or inattentive behavior that has significantly impaired functioning over time;

(2) Developmental history;

(3) Family history for presence of ADHD and other educational, learning, physical or psychological difficulties deemed relevant by the examiner;

(4) Relevant medical and medication history, including the absence of a medical basis for the symptoms being evaluated;

(5) Relevant psychosocial history and any relevant interventions;

(6) A thorough academic history of elementary, secondary and postsecondary education;

(7) Review of any prior psycho-educational test reports to determine whether a pattern of strengths or weaknesses is supportive of attention or learning problems; and

(8) Relevant employment history (i.e. summary of jobs held, reason for leaving, explanation of dismissal, performance evaluations, etc.).

B. Assessment. A neuropsychological or psycho-educational assessment may be necessary in order to determine the individual's pattern of strengths or weaknesses and to determine whether there are patterns supportive of attention problems. Test scores or subtest scores should not be used as the sole basis for the diagnostic decision. Selected subtest scores from measures of intellectual ability, memory functions tests, attention or tracking tests, or continuous performance tests do not in and of themselves establish the presence or absence of ADHD. They may, however, be useful as one part of the process in developing clinical hypotheses. Checklists and/or surveys can serve to supplement the diagnostic profile but by themselves are not adequate for the diagnosis of ADHD and do not substitute for clinical

observations, evidence from history, an analysis of current functioning, and sound diagnostic judgment. When testing is used, age-based standard scores must be provided for all normed measures. In addition, effort should be tested to address the issue of malingering.

C. A Specific Diagnosis. The report must include a specific diagnosis of ADHD based on professional guidelines and criteria (e.g. DSM). Individuals who report problems with organization, test anxiety, memory and concentration only on a situational basis do not fit the prescribed diagnostic criteria for ADHD. Given that many individuals benefit from prescribed medications and therapies, a positive response to medication by itself is not supportive of a diagnosis, nor does the use of medication in and of itself either support or negate the need for accommodation.

D. Identification that the disorder meets professional guidelines (e.g. DSM) for a diagnosis of ADHD.

A diagnosis is not enough to establish a disability under the ADA. The report must include a review and discussion of the diagnostic criteria for ADHD both currently and retrospectively and specify which symptoms are present and the extent to which the patient currently meets those criteria. The report must also include:

(1) Symptoms of hyperactivity-impulsivity or inattention that cause impairment that were present in childhood;

(2) Current symptoms that have been present for at least the past six months; and

(3) Impairment from the symptoms across several life settings (home, school, work, social, etc.).

E. Records of academic history. Since ADHD, by definition, is a disorder with a childhood onset (although it may not have been formally diagnosed until later) that impairs more than one life setting, relevant, objective, historical information is essential to the diagnosis. Information and documentation verifying a chronic course of ADHD symptoms across various life settings from childhood through adolescence to adulthood (i.e. academic transcripts, report cards, teacher comments, standardized test scores, employment records, etc.) are necessary and should be reviewed by the examiner and attached to the report where available. Such records will serve to substantiate self- reported symptoms and academic difficulties.

F. Clinical Summary. A well-written diagnostic summary based on a comprehensive evaluative process is a necessary component of the report. Assessment instruments and the data they provide do not diagnose; rather, they provide important data that must be integrated by the evaluator with background information, historical information, and clinical observations of the applicant during the testing situation, and current functioning. It is essential then that the qualified professional integrate all information gathered in a well- developed clinical summary. The

clinical summary must include:

(1) A discussion of the differential diagnosis, including alternative or co-existing mood, behavioral, neurological and/or personality disorders that may confound the diagnosis of ADHD;

(2) Exploration of possible alternative diagnoses as well as educational and cultural factors impacting the applicant that may mimic ADHD;

(3) Demonstration that the qualified professional has ruled out alternative explanations for inattentiveness, impulsivity, and/or hyperactivity as a result of psychological or medical disorders or non-cognitive factors;

(4) An indication of how patterns of inattentiveness, impulsivity and/or hyperactivity across the life span and across settings are used to determine the presence of ADHD;

(5) An indication of the substantial limitation to current learning or other major life activity presented by ADHD and the degree to which it impacts the individual in the context of the bar examination (a description of the bar examination and what is expected of applicants is included below);

(6) An indication of whether medication has been tried as a method of treatment, what results were obtained, and if medication is not an appropriate treatment, why not;

(7) An indication of whether or not the applicant was evaluated while on medication, whether or not there is a positive response to the prescribed treatment, and whether or not a positive response to the treatment obviates the need for test accommodations; and

(8) An indication as to why specific accommodations are needed and how the effects of ADHD symptoms are mediated by the accommodations.

4. Recommendations for Accommodations and Rationale. The report must include specific data-based recommendations for accommodations as well as a detailed explanation as to why each accommodation is necessary. The evaluator should describe the impact the diagnosed ADHD has on a specific major life activity as well as the degree of significance of this impact on the individual as compared to most people in the general population. The evaluator should support recommendations with specific test results and clinical observations. The summary should also include any record of prior accommodation or auxiliary aids, including any information about specific conditions under which the accommodations were used (e.g., standardized testing, final exams, licensing or certification examinations). It is important to recognize that accommodation needs can change over time and are not always identified through the initial diagnostic process. If no prior accommodations have been provided, the qualified professional should include a detailed explanation as to why no accommodations were needed in

the past and why accommodations are now needed.

Guidelines for Learning and Other Cognitive Disabilities

The Americans with Disabilities Act (ADA) as amended defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities as compared to most people in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete. Candidates must provide a comprehensive psycho-educational or neuropsychological assessment which contains the following information:

1. Set forth the qualifications of the evaluator. The report should establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification, specialization in the area of the diagnosis, and training and direct experience with an adult population. If multiple diagnoses are given, the evaluator must demonstrate he or she is qualified to make all diagnoses.

2. The documentation must be current (Recent Documentation). The granting of reasonable test accommodations is based on assessment of the current impact of the applicant's disability on the testing activity. Since the manifestations of a disability may vary over time and in different settings, the following guidelines apply:

   (a) Your medical documentation must be no more than five years old measured from the date of the evaluation to the date of your current application or re-application for test accommodations.

   (b) If you were evaluated as an adult (age 21 or older), the Board will consider that documentation, even if it is more than five years old, but if the documentation is not comprehensive (discussed below), the Board may ask you to supplement the documentation.

If an evaluation is outdated or inadequate in scope or content, it should be updated by a qualified professional to address the current level of functioning and the continued need for test accommodations.

3. Documentation must be comprehensive. Objective evidence of a substantial limitation in cognition or learning must be provided. Reports must be on professional letterhead, typed, dated, signed, and otherwise legible and contain the following information:

A. Diagnostic Interview and History Taking

The report of assessment should include a summary of a comprehensive diagnostic interview that includes relevant background information to support the diagnosis. Since learning disabilities are commonly manifested during childhood, though not always formally diagnosed, relevant historical information regarding the applicant's academic history and learning processes in elementary, secondary, and post-secondary education should be investigated and documented. In addition to the applicant's self-report, the report of assessment should include:

- A description of the presenting problem(s) including, where relevant, DSM symptoms;

- Developmental, academic, medical, psychosocial and employment histories;
- Relevant family history, including primary language of the home. If English is a second language, describe the applicant's current level of fluency in English and when and how intensively the applicant began learning English;

- Relevant academic history including results of prior standardized testing, psychological evaluations, IEPs, reports of classroom performance and behaviors including report cards, transcripts, study habits and attitudes and notable trends in academic performance;

- A discussion of dual diagnosis, alternative or co-existing mood, behavioral, neurological, personality and/or psychiatric disorders along with any history of relevant medication and current medication that may impact the individual's learning; and

- Exploration of possible alternatives which may mimic a learning disability when, in fact, one is not present (e.g., motivational problems).

B. Assessment.

The neuropsychological or psycho-educational evaluation must provide clear and specific evidence that a learning or cognitive disability exists. Clinicians must use best practices in making any evaluation, including using the most up-to-date and psychometrically adequate (reliable and valid) test batteries/instruments to assess aptitude, achievement, and effort. These measures should be standardized on the general population and provide standard scores based on age comparisons (not grade). Any resulting diagnosis must be based on the aggregate of the test results, history, and level of current functioning. Objective evidence of a substantial limitation to learning or other major life activity must be provided. Specific achievement tests such as, the Test of Written Language (TOWL), the Wide Range Achievement Test (WRAT), and the Nelson-Denny Reading Test (NDRT) may be useful instruments when administered under standardized conditions and when interpreted within the context of other diagnostic information. However, they are not comprehensive measures of achievement and not acceptable if used as the sole measure of achievement. If such measures are used, you must identify the norms that are being used. In addition, relevant clinical observations of the applicant made during the test

administration may be useful and should be included in the report.

C. A specific DSM diagnosis should be included in the report.

The diagnosis must be supported by the test data, history, anecdotal and clinical observations that may include comments about the applicant's level of motivation, study skills, and other non-cognitive factors. These findings must demonstrate that the patient's functional limitations are the result of the diagnosed disability. It is important to rule out alternative explanations for problems in learning such as emotional, attentional or motivational problems that may be interfering with learning but do not constitute a disability. The clinician is encouraged to use direct language in the diagnosis and documentation of a disability, avoiding the use of terms such as "suggests" or "is indicative of." Individual "learning styles," "learning differences," "academic problems," English as a Second Language, and "test difficulty or anxiety," do not by themselves constitute a learning disability for which accommodations will be granted. Where required in the DSM, the diagnosis must include identification and a full discussion of the significant discrepancy and/or the significant impairment.

D. Records of academic history.

Since learning disabilities are commonly manifested during childhood, though not always formally diagnosed, relevant records detailing difficulties in elementary, secondary and postsecondary education should be reviewed by the examiner and discussed in the report. Copies of any academic records (i.e. transcripts, report cards, teacher comments, IEPs, previous psychological and educational evaluations, standardized test scores) and previous neuropsychological records that are reviewed by the evaluator and cited in his/her report should be annexed to the report. Interviews with informants that provide information that contributes to a diagnostic formulation (e.g., parent, teacher, tutor) should be clearly reported with information as to who was interviewed, when the interview took place, the focus of questions, and the use of any specific structured interviews or scales. Such records will serve to substantiate self- reported academic difficulties.

E. Clinical Summary.

A well-written diagnostic summary based on a comprehensive evaluative process is a necessary component of the report. Assessment instruments and the data they provide do not diagnose; rather, they provide important data that must be integrated by the evaluator with background information, historical information, and clinical observations of the applicant during the testing situation, and current functioning. It is essential then that the qualified professional integrate all information gathered in a well-developed clinical summary. The clinical summary must include:

(1) Demonstration that the evaluator has ruled out alternative explanations for academic problems as a result of poor education, poor motivation and/or study skills, emotional problems, attentional problems and cultural or language differences;

(2) Indication of how patterns in cognitive ability, achievement and information processing are used to determine the presence of a disability;

(3) An indication of the substantial limitation to current learning or other major life activity presented by the disability and the degree to which it impacts the individual in the context of the bar examination (a description of the bar examination and what is expected of applicants is included below) keeping in mind that the DSM provides that:

(a) impairment in academic performance is based on comparison to all other people of the same age group, not the same IQ or educational level; and

(b) a substantial limitation on a standardized achievement test is considered to be >1.5 standard deviations below the test mean;

(4) Indication as to why specific accommodations are needed and how the effects of the specific disability are mediated by the recommended accommodations; and

(5) Indication of any corrective measures (i.e., tutoring, speed reading programs, assistive devices) that alleviate the substantial limitation and the extent thereof.

4. Recommendations for Accommodations and Rationale: The report must include specific data-based recommendations for accommodations as well as a detailed explanation as to why each accommodation is necessary. The evaluator should describe the impact the diagnosed disability has on a specific major life activity as well as the degree of significance of this impact on the individual. The evaluator should support recommendations with specific test results and clinical observations.

The summary should also include any record of prior accommodation or auxiliary aids, including any information about specific conditions under which the accommodations were used (e.g., standardized testing, final exams, licensing or certification examinations). It is important to recognize that accommodation needs can change over time and are not always identified through the initial diagnostic process. If no prior accommodations have been provided, the qualified professional should include a detailed explanation as to why no accommodations were needed in the past and why accommodations are now needed.

Guidelines for Physical and Chronic Health Disabilities

The Americans with Disabilities Act (ADA) as amended defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities as compared to most people in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete.

If you are requesting test accommodations based on a physical or chronic health disability, you

must provide a recent comprehensive written report prepared by a qualified professional who has conducted an individualized assessment which demonstrates compliance with the following requirements:

1. Format. The report should be on professional letterhead, typed, dated, signed, and otherwise legible. A doctor's note or script is insufficient.

2. Qualifications of the evaluator. The report must establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification, specialization in the area of the diagnosis, and training and direct experience in the area of the diagnosis. If multiple diagnoses are given, the evaluator must demonstrate he or she is qualified to make all diagnoses.

3. Current Nature of the Disability (Recent Documentation). The granting of reasonable test accommodations is based on an assessment of the applicant's current ability to take the bar examination under standard conditions. The report must indicate the date the patient was last seen by the evaluator. Since the manifestations of a disability may vary over time and in different settings, the following guidelines apply:

   (a) PERMANENT DISABILITIES - If you have a disability that has been present since birth, or is expected to be permanent, or is not expected to improve over time, provide a copy of your most recent medical evaluation so stating. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline. If further information is needed to comply with the Board's guidelines, attach prior evaluations as necessary.

   (b) RECENT OR TEMPORARY DISABILITIES – If you have a disability that has not been present since birth, or is expected to be temporary, or is expected to improve with time, your medical documentation must be no more than one year old measured from the date of the evaluation to the date of your current application or re-application for test accommodations. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline.

4. Diagnosis. The evaluator must state a professionally recognized diagnosis.

5. Diagnostic Procedure(s). The report must describe the specific diagnostic criteria and/or diagnostic tests used, including the date(s) of the evaluation(s), the tests performed, and a detailed interpretation of the test results. The report should include relevant educational, developmental, and medical history. Diagnostic methods used should be appropriate to the disability and current professional practices within the field. Informal or non-standardized evaluations should be described in enough detail that other professionals could understand their role and significance in the diagnostic process.

If the evaluator reports a cognitive problem caused by the disability or a medication taken for the disability, then the claim may need to be supported by a brief but well-conceived psychological test battery. The report should state the specific functional limitation caused by the disability or

medication and provide objective test data demonstrating the limitation. The test data must show a deficiency that affects the candidate's ability to take the bar examination, usually the candidate's ability to read and/or write. Test results must be reported using age norms where available. Also, where available, test scores should be compared to the appropriate normative group (e.g., depressed normative group, non-depressed normative group).

6. Functional Limitations. The report should list all major life activities that are affected by the individual's current condition and explain how the impairment substantially limits those major life activities as compared to most people. The report should describe the individual's functional limitations due to the diagnosed disability and how the limitations will substantially limit the individual's ability to take the bar examination under regular testing conditions. The report must relate the functional limitation to one or more aspects of the standard bar examination. A description of the New York bar examination is set forth below.

7. Amelioration of the Functional Limitations. The report should contain a description of current treatments, assistive devices, medications, etc. that ameliorate the impact of the disability.

8. Recommendation. The report must include a specific data-based recommendation for test accommodations using objective methods to determine the need for the recommended accommodation. The recommendation should include a detailed explanation of why the accommodation is needed and how it will reduce the impact of the identified functional limitations. If extra examination time is recommendation, the report must explain how extra examination time will reduce the impact of the functional limitation.

9. History of Accommodations. If accommodations have not been provided in the past, the report should include a detailed explanation of why no accommodations were needed in the past and why accommodations are needed now.

Documentation Guidelines for Psychiatric Disabilities

The Americans with Disabilities Act (ADA) as amended defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities as compared to most people in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete.

PSYCHIATRIC DISABILITIES

If you are requesting test accommodations based on a psychiatric disability, you must provide a

complete and recent assessment by a qualified mental health professional in the form of a comprehensive written report which demonstrates compliance with the following requirements:

1. Format. The report should be on professional letterhead, typed, dated, signed, and otherwise legible. A doctor's note or script is insufficient.

2. Qualifications of the evaluator. The report must establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification, specialization in the area of the diagnosis, and training and direct experience in the area of the diagnosis. If multiple diagnoses are given, the evaluator must demonstrate he or she is qualified to make all diagnoses.

3. Current Nature of the Disability (Recent Documentation). The granting of reasonable test accommodations is based on an assessment of the applicant's current ability to take the bar examination under standard conditions. The report must indicate the date the patient was last seen by the evaluator. Since the manifestations of psychiatric disabilities may vary over time and in different settings, your medical documentation must be no more than one year old measured from the date of the evaluation to the date of your current application or re-application for test accommodations.

4. Diagnosis. The evaluator must follow the most up-to-date best practices in making any evaluation, and should state a DSM diagnosis. If a DSM diagnosis is not used, the evaluator must state a professionally recognized diagnosis. Please note that test anxiety, which is the tendency to become very nervous and perform poorly in testing situations, does not generally qualify as a disability under the ADA and is not generally accommodated on the bar examination.

5. Diagnostic Procedure(s). The clinician who conducts the assessment should administer:

(a) a clinical interview addressing all DSM criteria;

(b) as many self-report scales as are necessary to corroborate the severity of any diagnosed psychiatric disorders;

(c) a brief account of the applicant's psychiatric, medical, and educational history; and

(d) effort testing (malingering).

If a DSM diagnosis is not used, the evaluator must describe what criteria were used. Informal or non-standardized evaluations should be described in enough detail that other professionals could understand their role and significance in the diagnostic process.

Reliance on self-report data alone is insufficient to document a psychiatric disability. Clinicians are encouraged to use other sources of evidence in their diagnostic analysis. If a standardized interview is not used, then the clinician must provide a detailed synopsis of exactly which symptoms were endorsed, which conditions were ruled out, and all other information on how the

diagnosis was arrived upon.

The medical documentation submitted with the application for test accommodations must include a complete and current assessment. It is not enough for a clinician to state that an applicant has a long-standing condition or that the applicant is currently in treatment. Accommodations are awarded based on the current nature of the applicant's disability. There must be a recent evaluation and diagnostic report regardless of the candidate's prior history or current treatment, especially if there was no diagnostic interview administered in the medical record.

If the clinician reports a cognitive problem caused by the disability or a medication taken for the disability, then the claim may need to be supported by a brief but well-conceived psychological test battery. The report should state the specific functional limitation caused by the disability or medication and provide objective test data demonstrating the limitation. The test data must show a deficiency that affects the candidate's ability to take the bar examination, usually the candidate's ability to read and/or write. Test results must be reported using age norms where available. Also where available, test scores should be compared to the appropriate normative group (e.g., depressed normative group, non-depressed normative group).

6. Functional Limitations. The report should list any major life activities that are affected by the individual's current condition and explain how the impairment substantially limits those major life activities as compared to most people. The report should describe the individual's functional limitations due to the diagnosed disability and how the limitations will substantially limit the individual's ability to take the bar examination under regular testing conditions. The report must relate the functional limitation to one or more aspect of the standard bar examination. A description of the New York bar examination and what is expected of applicants is set forth below.

7. Amelioration of the Functional Limitations. The report should contain a description of current treatments, assistive devices, medications, etc. that ameliorate the impact of the disability.

8. Recommendation. The report must include a specific data-based recommendation for test accommodations using objective methods to determine the need for the recommended accommodation. The recommendation should include a detailed explanation of why the accommodation is needed and how it will reduce the impact of the identified functional limitations. If extra examination time is recommendation, the report must explain how extra examination time will reduce the impact of the functional limitation.

9. History of Accommodations. If accommodations have not been provided in the past, the report should include a detailed explanation of why no accommodations were needed in the past and why accommodations are needed now.

Documentation Guidelines for Visual Disabilities

The Americans with Disabilities Act (ADA) as amended defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities as compared to most people in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete.

VISUAL DISABILITIES

If you are requesting test accommodations based on a visual disability, you must provide a recent comprehensive written report prepared by a qualified professional who has conducted an individualized assessment which demonstrates compliance with the following requirements:

1. Format. The report should be on professional letterhead, typed, dated, signed, and otherwise legible. A doctor's note or script is insufficient.

2. Qualifications of the evaluator. The report must establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification, specialization in the area of the diagnosis, and training and direct experience in the area of the diagnosis. If multiple diagnoses are given, the evaluator must demonstrate he or she is qualified to make all diagnoses. Typically, an optometrist or ophthalmologist is qualified to provide supporting documentation for visual disabilities. Depending on the accommodations requested and the rationale given for those accommodations, however, a psychologist or a learning or reading specialist with relevant training and experience may also be needed to provide documentation addressing the functional impact of the disability on the skills required to take the bar exam.

3. Current Nature of the Disability (Recent Documentation). The granting of reasonable test accommodations is based on an assessment of the applicant's current ability to take the bar examination under standard conditions. The report must indicate the date the patient was last seen by the evaluator. Since the manifestations of a disability may vary over time and in different settings, the following guidelines apply:

(a) PERMANENT DISABILITIES - If you have a visual disability that has been present since birth, or is expected to be permanent, or is not expected to improve over time, provide a copy of your most recent medical evaluation so stating. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline. If further information is needed to comply with the Board's guidelines, attach prior evaluations as necessary.

(b) RECENT OR TEMPORARY DISABILITIES – If you have a visual disability that has not been present since birth, or is expected to be temporary, or is expected to improve with time, your medical documentation must be no more than one year old measured from the date of the evaluation to the date of your current application or re- application for test accommodations. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline.

4. Diagnosis. The evaluator must state a professionally recognized diagnosis.

5. Diagnostic Procedure(s). The report should include a description of general eye health; a binocular evaluation; best corrected visual acuity for distance and near point; focusing skills at distance and near point (with corrective lenses); oculomotor skills; and visual fields. The report must describe the specific diagnostic criteria and/or diagnostic tests used, including the date(s) of the evaluation(s), the tests performed, and a detailed interpretation of the test results. The report should include relevant educational, developmental, and medical history. Diagnostic methods used should be appropriate to the disability and current professional practices within the field. Informal or non- standardized evaluations should be described in enough detail that other professionals could understand their role and significance in the diagnostic process.

6. Functional Limitations. The report should list all major life activities that are affected by the individual's current condition and explain how the impairment substantially limits those major life activities as compared to most people. The report should describe the individual's functional limitations due to the diagnosed disability and how the limitations will substantially limit the individual's ability to take the bar examination under regular testing conditions. The report must relate the functional limitation to one or more aspects of the standard bar examination. A description of the New York bar examination is set forth below.

7. Amelioration of the Functional Limitations. The report should contain a description of current treatments, assistive devices, medications, etc. that ameliorate the impact of the disability.

8. Recommendation. The report must include a specific data-based recommendation for test accommodations using objective methods to determine the need for the recommended accommodation. The recommendation should include a detailed explanation of why the accommodation is needed and how it will reduce the impact of the identified functional limitations. If extra examination time is recommendation, the report must explain how extra examination time will reduce the impact of the functional limitation.

9. History of Accommodations. If accommodations have not been provided in the past, the report should include a detailed explanation of why no accommodations were needed in the past and why accommodations are needed now.