

IN THE SUPREME COURT AND THE HIGH COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS
SITTING TOGETHER

STANDING COMMITTEE ON)	ORDER APPOINTING MEMBERS OF
)	THE STANDING COMMITTEE
PROFESSIONAL CONDUCT)	ON PROFESSIONAL CONDUCT
_____)	

Pursuant to Section 219 of the Judiciary Act 1983, 27 MIRC Chp. 2, as amended, the undersigned, being the Chief Justice of the Supreme Court and the Chief Justice of the High Court, order as follows:

1. Creation of the Standing Committee on Professional Conduct; Appointment of Members.

The following members of the Republic of the Marshall Islands (RMI) bar are appointed to, and shall constitute, the Standing Committee on Professional Conduct (Committee):

Scott Stege, chair

Wagner Joash, member

S. Posesi Bloomfield, member

In the event that a member(s) of the Committee cannot serve on the Committee, or with respect to a particular matter, the Chair shall select a new member(s) from the bar and, if there is no Chair, the remaining members shall select a Chair from the bar.

2. Duties of Committee. The duties of the Committee shall be as follows:

(a) To investigate all charges and allegations presented to the Committee, or any member thereof, made orally or in writing, relating to professional misconduct on the part of an attorney or trial assistant admitted to practice before the RMI Courts and to report their findings

and recommendations thereon to the High Court. Such recommendations may include disbarment, suspension, or other type of discipline as warranted by the facts of each case investigated and reported upon. To assist the Committee in its investigations, the Committee may appoint a member of the bar outside the Committee to investigate the matter and report to the Committee. The Committee may commence hearings on any information that is made known to them without formal referral from a court.

(b) To investigate, at the request of the High Court or the Supreme Court, the background of persons seeking admission to the practice of law before the RMI courts and to make reports and recommendations to the requesting court thereon.

(c) To investigate and take legal action, if appropriate, on any or all charges involving the unauthorized practice of law within the RMI.

(d) To call witnesses and obtain documents or other information as authorized in the Marshall Islands Rules of Civil Procedure.

3. Fair Hearing. In all hearings conducted by the Committee, in which a charge made against a person admitted to practice law before the RMI courts (practitioner), the Committee shall ensure that due notice of the charge, a chance to prepare and meet such charge, and a fair hearing shall be afforded the practitioner. All charges, investigations, hearings, findings, and recommendations under this order shall be kept confidential, except as published in decisions of the High Court or the Supreme Court.

4. High Court Hearing. In each case in which the Committee recommends disbarment, suspension, or other disciplinary action against a practitioner, such recommendation, together with the entire case file, shall be forwarded to the High Court where it shall be set down

for an in camera hearing, at which hearing the usual procedural requirements of notice and fair hearing shall be followed. The High Court's decision shall set forth any disciplinary action taken by it and the reasons therefore. The High Court's disciplinary action may differ in content, leniency, or severity from those of the Committee. The practitioner may appeal the High Court's decision to the Supreme Court in accordance with the Supreme Court Rules of Procedure. The practitioner may request from the High Court a stay of its decision pending appeal to the Supreme Court.

5. Supreme Court Review. If a disciplinary matter is appealed to the Supreme Court, the Supreme Court shall review the findings and decision of the High Court, as well as the remainder of the files and records of the case. The Supreme Court's decision shall be final, and its order shall set forth the action by the Court by way of disbarment, suspension, or other disciplinary action against the practitioner and reasons therefore. The Supreme Court's decision as to the discipline to be imposed may be either more lenient or more severe than that recommended by the Committee or ordered by the High Court.

6. Definitions.

(a) The term "professional misconduct," as used in this order, includes conduct prohibited by the American Bar Association Model Rules of Professional Conduct, as it exists on the date of the charged violation, including not only fraudulent language or conduct, illegal conduct involving moral turpitude, and the like, but also all of the more benign violations or circumventions of such disciplinary rules, such as revealing clients' confidential communications, failure to act competently on behalf of a client, conduct prejudicial to the administration of justice, circumventing a disciplinary rule through the conduct of others,

unauthorized advertising, publicity, and the like, charging excessive fees, holding oneself out publicly as possessing skills or qualifications the practitioner does not possess, contempt of court, communications with prospective jurors (except when authorized by trial procedure), false statements to judges, unauthorized taking or expenditure of client funds, and others.

(b) The term “findings” as use herein means findings reached by clear and convincing evidence.

7. This order shall replace and supercede the order dated May 8, 2000, signed by then Chief Judge of the Supreme Court Allen P. Fields.

IT IS HEREBY ORDERED:

_____/S/
Daniel N. Cadra
Chief Justice
Supreme Court
Date: September 26, 2005

CONCURRING:

_____/S/
Carl B. Ingram
Chief Justice
High Court
Date: September 26, 2005