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Supreme Court of Guam, Clerk of Court

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IN THE SUPREME COURT OF GUAM

RE:)	SUPREME COURT CASE
)	NO. PRM21-001
)	
AMENDMENT TO THE GUAM)	
RULES FOR LAWYER)	PROMULGATION
DISCIPLINARY ENFORCEMENT)	ORDER NO. 21-001-02
AND DISABILITY PROCEEDINGS.)	
)	
)	
)	

The Supreme Court, under its Organic Act authority to “make and promulgate rules governing the administration of the judiciary and the practice and procedure in the courts of the judicial branch of Guam,” 48 U.S.C. 5 1424-1(a)(6), and upon the request of the Guam Bar Association (GBA) Board of Governors to amend **Rule 12 Immunity; Laws Inapplicable** of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings (“Rules”) (adopted pursuant to Promulgation Order No. 21-001-01 (Mar. 16, 2021), effective August 1, 2021). The GBA requests that the court amend Rule 12 for the purpose of adding an additional provision for confidentiality and immunity related to Guam Bar Lawyer Assistance Programs/Alternative Discipline

1 Programs, as part of its ongoing efforts to establish the GBA Law Assistance Program,
2 Wellness Program, and Alternative Discipline Programs.

3 The court finds that although the Rules provide for confidentiality and immunity,
4 the current provisions may not cover voluntary participation in any lawyer assistance
5 program intended as a resource and aid to lawyers voluntarily seeking help with
6 alcoholism or substance abuse and other addictive disorders, in addition to dealing with
7 such issues as stress, depression, problem gambling, vicarious trauma, and other mental
8 health issues. Because a voluntary system is intended to assist those lawyers dealing with
9 the aforementioned issues, the court finds that application of the confidentiality and
10 immunity provisions is necessary to the functionality of any lawyer assistance program.

11 Therefore, it is hereby **ORDERED** that **Rule 12 Immunity; Laws Inapplicable**
12 of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings
13 shall be amended to include subparagraph (c) as follows:

14 (c) Confidentiality and Immunity, Lawyer Assistance Programs

15 1. Confidential information privileged. The confidential relations and
16 communications between a member or authorized agent of a lawyer
17 assistance committee sponsored by a territorial, state, or local bar
18 association and any person, firm, or corporation communicating with
19 such committee, its members, or authorized agents shall be deemed to
20 be privileged on the same basis as those provided by law between
21 attorney and client. Such privilege may be waived only by the person,
22 firm, or corporation which has furnished information to the
23 committee.

24 2. Immunity from liability. Any person, firm, or corporation in good
25 faith providing information to, or in any other way participating in the
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1 affairs of, any of the committees referred to in subsection (c)(1) shall
2 be immune from civil liability that might otherwise result by reason of
3 such conduct. For the purpose of any proceeding, the good faith of
4 any such person, firm, or corporation shall be presumed.

5 **SO ORDERED** on this 6th day of May, 2024.
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9 _____
10 / s /
11 **F. PHILIP CARBULLIDO**
12 Associate Justice

13 _____
14 / s /
15 **KATHERINE A. MARAMAN**
16 Associate Justice

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18 _____
19 / s /
20 **ROBERT J. TORRES**
21 Chief Justice
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