

AN ACT

To amend the Legal Profession Act 1991, 19 MIRC Chp. 5, for the following purposes: to allow for police prosecutors on the outer islands; to clarify the admission to practice of Marshallese law graduates who work for government or public services agencies; to clarify the prohibition against the unauthorized practice of law; and to delete rarely used and now not needed provisions regarding the admission of paralegals and Trust Territory attorneys.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

Section 1. Short Title.

This Act may be cited as the Legal Profession (Amendment) Act, 2014.

Section 2. Amendments.

(1) Amendment of Section 502 of the Legal Profession Act 1991.

Section 502 of the Legal Profession Act 1991, 19 MIRC Chp. 5, is amended to read as follows:

§502. Interpretation.

In this Chapter, unless the context otherwise requires:

(a) "approved law school" means:

(i) Any law school approved by the American Bar Association's section on Legal Education and Admissions to the Bar; or

(ii) A law school in a nation other than the United States which uses the common law as a background for study and which is an accredited institution in that country, such as the University of the South Pacific School of Law; or

1 (iii) Any other law school approved by the Supreme Court.

2 (b) "client" means a person, group of persons, firm, joint venture,
3 partnership, corporation or any other agency, body, or entity, public or private,
4 which engages the services of a lawyer or a trial assistant with respect to legal
5 services;

6 (c) "lawyer" means any person qualified in the law who provides legal
7 services to a client. The term includes a person, group of persons, firm, joint
8 venture, partnership, corporation or any other, body, or entity, public or private,
9 which engages in the delivery of legal services;

10 (d) "legal services" include, but are not limited to, the following:
11 appearing before any court in the Republic or before any person, agency, body,
12 corporation or tribunal or any other institution or department of government;
13 drafting of pleadings, affidavits and other documents to be filed in court; and the
14 preparation and drafting of deeds, agreements, contracts or any other document or
15 instrument and giving legal advice whether in or outside the Republic of the
16 Marshall Islands;

17 (e) "police prosecutor" means an adult citizen of the Republic of the
18 Marshall Islands, who is not a graduate of an approved law school but who has
19 been admitted to practice law for the limited purpose of prosecuting local
20 government ordinances before Community Courts under a delegation from the
21 Attorney-General.

22 (f) "practice of law" means to engage in the delivery of legal services to or

1 for the benefit of others;

2 (g) "trial assistant" means an adult citizen of the Republic of the Marshall
3 Islands, who is not a graduate of an approved law school, but has been admitted to
4 practice law in the Courts of the Trust Territory for the Marshall Islands District
5 prior to March 3, 1982, or by the Court of the Republic of the Marshall Islands
6 after that date:

7 **(2) Amendment of Section 503 of the Legal Profession Act 1991.**

8 Section 503 of the Legal Profession Act 1991, 19 MIRC Chp. 5, is amended to read as
9 follows:

10 **§503. Requirements for the practice of law.**

11 (1) Except as provided for in Section 504 of this Chapter, a person may
12 not engage in the practice of law, provide legal services to another, hold himself
13 out to be a lawyer, trial assistant, police prosecutor, or otherwise represent or
14 designate himself to be a lawyer, trial assistant, or police prosecutor, unless that
15 person:

16 (a) is 21 years of age or older;

17 (b) is a resident of the Republic of the Marshall Islands whether or
18 not that person was born in the Republic, or is a citizen of the Republic, or
19 is not a resident of the Republic but who maintains an active law practice
20 in the Republic;

21 (c) has passed a written examination, which examination shall be
22 selected, developed and administered by the Supreme Court; provided,

1 however that any such written examination shall include an adequate
2 section on the customary law of the Marshall Islands; and

3 (d) has been duly admitted to practice by the Supreme Court or the
4 High Court of the Republic.

5 (2) This Section does not apply to persons admitted to practice prior to the
6 date PL.1991-117 came into effect, February 19, 1991.

7 **(3) Amendment of Section 504 of the Legal Profession Act 1991.**

8 Section 504 of the Legal Profession Act 1991, 19 MIRC Chp. 5, is amended to read as
9 follows:

10 **§504 Admissions without examination.**

11 (1) Subject to the provisions of Court Rules on Admission promulgated in
12 accordance with Section 19 of the Judiciary Act (27 MIRC s 219), the following
13 persons shall not be required to pass a written examination to be admitted to
14 practice:

15 (a) a person who is duly authorized to practice and is in good
16 standing in another jurisdiction and is temporarily in the Republic in
17 connection with a particular matter or for a particular client, or who has
18 been admitted pro hac vice in any matter;

19 (b) a person who is duly authorized to practice and is in good
20 standing in another common law jurisdiction who accepts full-time
21 employment with the central government, any local government, or any
22 agency or department of the central government or any local government,

1 or any public agency providing legal services;

2 (c) any Marshallese citizen who has graduated from an
3 approved law school who accepts full-time employment with the
4 central government, any local government, or any agency or
5 department of the central government or any local government, or
6 any public agency providing legal services;

7 (d) any Marshallese citizen who, as determined by the Supreme
8 Court or the High Court, is appropriately qualified by experience or
9 training to act as a trial assistant and accepts full-time employment with
10 the central government, any local government, or any agency or
11 department of the central government or any local government, or any
12 public agency providing legal services; or

13 (e) any Marshallese citizen who, as determined by the
14 Supreme Court or the High Court, is appropriately qualified by
15 experience or training to act as a police prosecutor and is employed
16 full-time as a police officer by a local government.

17 (2) A Marshallese citizen who has completed at least two years full time
18 employment in the Marshall Islands as an attorney in a public service capacity
19 may be admitted to practice without a written examination.

20 (3) Any non-citizen who has completed at least six years full time
21 employment in the Marshall Islands as an attorney in a public service capacity
22 may be admitted to practice without a written examination.

1 **(4) Amendment of Section 507 of the Legal Profession Act 1991.**

2 Section 507 of the Legal Profession Act 1991, 19 MIRC Chp. 5, is amended to read as
3 follows:

4 **§507. Unauthorized practice of law.**

5 It is unlawful for any person to engage in the practice of law, provide legal
6 services, hold himself out to be a lawyer, a trial assistant, a police prosecutor, or
7 otherwise represent or designate himself to be a lawyer, a trial assistant, a police
8 prosecutor, unless that person is authorized to practice law in the Republic and
9 has complied with the provisions of this Chapter.

10 **Section 3. Effective Date.**

11 This Act shall take effect on the date of certification in accordance with Article IV,
12 Section 21 of the Constitution.

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15 **CERTIFICATE**


16 **I hereby certify:**


- 17 1. That Nitijela Bill No. 51 was passed by the Nitijela of the Republic of the
- 18 Marshall Islands on the 30th day of September, 2014; and
- 19 2. That I am satisfied that Nitijela Bill No. 51 was passed in accordance with the
- 20 relevant provisions of the Constitution of the Republic of the Marshall Islands and
- 21 the Rules of Procedures of the Nitijela.

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23 I hereby place my signature before the Clerk this 16th day of October 2014.

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Attest:


Hon. Donald F. Capelle
Speaker
Nitijela of the Marshall Island


Tarjo Arelong
Clerk
Nitijela of the Marshall Islands

