



**GUAM LAW
LIBRARY**

From knowledge, justice.

Law Library News

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Learn more about . . . CLE audio CD collection

To assist members of the Guam Bar Association in meeting the annual CLE requirement, the Guam Law Library offers more than fifty CLE audio CD recording – free of charge. Eligible patrons may borrow up to five (5) CLE items for three calendar days; in December, patrons are limited to only two (2) items for two (2) calendar days.

The library's CLE collection covers ethics issues, civil practice, criminal law, and includes the following:

➤ No You Didn't! Recognizing the Difference Between a Mistake and Malpractice (1.5 hour CLE, of which .5 is Ethics)

Practical tips and current legal developments to help attorneys avoid fee disputes with clients and ensure payment of fees. Get valuable insights into structuring fee agreements, and learn about the legal and ethical aspects of collecting attorney's fees.

➤ The Briefcase Litigator in an Electronic World (1.5 hour Legal Ethics CLE)

This program is aimed at litigators who are not computer savvy. It will cover the ethical implications of dealing with electronic discovery

The following eligible patrons may borrow CLE materials:

- Judiciary of Guam and District Court judges, attorneys and law clerks;
- Active and inactive GBA members;
- Temporarily admitted attorneys.

Guam Law Library
CLE Materials Loan Policy

issues, including inadvertent disclosure and the attorney's duty of competence.

➤ Ethical Closing Arguments (1.5 hour Legal Ethics CLE)

Practical tips on how to give a winning closing argument while staying within the bounds of the Evidence Code and the Rules of Professional Conduct.

➤ Ethics: The Estate Planner's Roadmap to Navigating Conflicts of Interest (1 hour Legal Ethics CLE)

Conflicts can be an especially tricky area for estate planners. This course will provide tips and strategies for recognizing ethical conflicts and how to deal with them.

Library Hours

Weekdays
8:00 a.m. – 6:00 p.m.

Saturdays
9:00 a.m. – 1:00 p.m.

Sundays
Closed

Holidays
Closed, except All Souls Day and Our Lady of Camarin Day

News & Announcements

➤ **All Souls Day.** On Saturday, Nov. 2, 2013 the library will be open its regular hours, from 9:00 a.m. to 1:00 p.m. on Thursday, Nov. 7, 2013. Eligible patrons wishing to use the library may obtain an access card. Please inquire at the service desk.

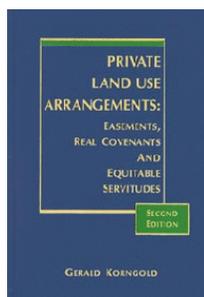
➤ **Early closure.** The library will close to the general public at 5:00

closed all day on:
• Monday, Nov. 11, 2013 for Veteran's Day;
• Thursday, Nov. 28, 2013 for Thanksgiving!





New Books



Private Land Use Arrangements: Easements, Real Covenants and Equitable Servitudes

By Gerald Korngold

The most comprehensive and integrated treatment available on the interrelated areas of easements, covenant, and servitudes. This book provide answers to both practical and theoretical issues, and is an essential resource to lawyers and others working in this field.

This second edition follows the successful first edition of the book which was hailed by practioners and academics. The first edition was cited as an authority over 25 times in the American Law Institute's Restatement of The Law Third, Property (Servitudes). The second edition utilizes the same organization and approach of the first edition, and covers new cases,

emerging developments, and recent innovations. This book is an important addition to the field and an essential part of the real estate lawyer's library.

This book is important for attorneys in a variety of situations. It provides guidance to transactional attorneys drafting documents such as easement agreements, REAs, covenants, declarations, deeds, and related documents, providing the underlying law and decisions that need to be reflected in documents. The book also includes specific drafting tips that should be included in documents, and is valuable to attorneys facilitating their clients' planning. Moreover, the book is essential for lawyers involved in

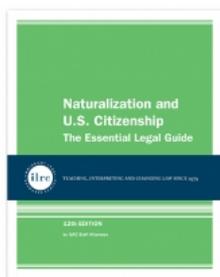
litigation or dispute avoidance/resolution. It provides a comprehensive discussion of the law as well as competing approaches utilized by the courts, allowing practitioners to build arguments and assess the strength of their client's position. The book offers strategies for avoiding disputes and protecting clients' interests, as well as advice if a matter is litigated. Transactional lawyers, litigators, and academics will benefit from the book's careful examination of underlying policy issues and theory since these are pivotal for courts in determining when and how an easement, covenant, or servitude should be enforced.

--Book description from publisher's website

Naturalization and U.S. Citizenship: The Essential Legal Guide

By ILRC Staff Attorneys

Now in its 12th Edition, the ILRC continues to write the most accessible comprehensive guide on the naturalization process and citizenship. Consisting of 14 chapters and extensive appendices, this indispensable guide thoroughly addresses the entire process of representing a naturalization applicant from the initial client meeting through the oath of allegiance. You will find sample forms, Immigration Service memos, practice



guides, and many other essential tools for both private attorney and practitioners working with community-based organizations. This edition includes a detailed explanation of the nuances involved in determining whether a naturalization applicant has sufficient good moral character to qualify for naturalization, a clear and complete description of the myriad of ways in which an absence could affect one's naturalization application and an expla-

nation of the N-400 form and how to best complete it. Overall the reader will learn detailed eligibility requirements for naturalization and helpful suggestions on both procedural issues and ways to effectively work with naturalization clients. We discuss what to do if a naturalization application is denied and how to determine if a client may already be a U.S. citizen through either acquisition or derivation of citizenship.

Continued on page 4

May I Share Office Space with Nonlawyers?

The following article is from *Louisiana Legal Ethics*, a blog by Prof. Dane S. Ciolino, Loyola University New Orleans College of Law.

Technological improvements have allowed lawyers to practice in nontraditional settings. From homes to beaches to [shared office suites](#), lawyers can get more and more work done without secretaries, dictaphones and law libraries.

What ethical issues arise when lawyers take advantage of shared office space? The Louisiana State Bar Association Rules of Professional Conduct Committee addressed these issues in a public advisory opinion entitled "[Sharing Office Space with Non-Lawyers](#)." The take away is this: lawyers may share office space with nonlawyers, but must (1) assure confidentiality, professional independence, and (2) must avoid assisting in the unauthorized practice of law, avoid improper business transactions with clients and avoid solicitation and paid referrals.



As to [confidentiality](#), a lawyer must avoid disclosure of confidential information at "leak points" such as shared printers, copiers and fax machines. Lawyers should avoid using shared paper file storage areas (they should probably avoid paper file storage). Lawyers should use great care employing, and then must adequately train, any support staff as to handling confidential information. See [Louisiana Rule 5.3](#).

As to [professional independence](#), a lawyer who exchanges legal services for "free" office space must avoid



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teaching interests at Loyola include Professional Responsibility, Evidence, Advocacy and Criminal Law. He is the editor of the weblog Louisiana Legal Ethics and the book Louisiana Legal Ethics: Standards and Commentary (2013).

providing "free" legal services to clients of the landlord/lessor, and must not allow the landlord/lessor to offer "included" legal services to other tenants. Also, the lawyer must not take client- or case-related instructions from the lawyer's landlord/lessor. This conduct also could be construed as assisting the [unauthorized practice of law](#).

As to [solicitation](#) and [paid referrals](#), a lawyer must not offer services in-person to other tenants. Moreover, a lawyer must not "kick back" some portion of fees received from clients referred by the landlord/lessor or co-tenants in the space.

Finally, as to [engaging in business transactions with clients](#), a lawyer must be mindful that there are particular hoops through which the lawyer must jump if the lawyer decides to engage in business transactions with any co-tenants or with the landlord/lessor who are also the lawyer's clients. See [Louisiana Rule 1.8\(a\)](#). The term "business transactions" could include loans, service exchanges or partnerships, among other transactions.

Assuming the lawyer is mindful of these issues, office sharing with nonlawyers is permissible.

Reproduced with permission. Click [here](#) to read the article as originally published on [Louisiana Legal Ethics](#).

For Guam attorneys, the corresponding professional conduct rules may be read [here](#), and are available on the Supreme Court of Guam website.



New Books (continued from page 2)

Judicial officers, government attorneys and law clerks, and members of the Guam Bar Assn. may borrow books and other resources from the library.

Visit us on the Web!

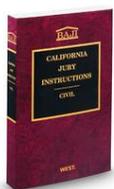
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Naturalization and U.S. Citizenship: The Essential Legal Guide

The guide has the most user-friendly group of charts on how to determine if someone gained U.S. citizenship through acquisition or derivation of citizenship in existence. Additionally, you will find a thorough discussion of the recent changes in the law concerning citizenship for children.

The Essential Guide covers valuable information on how to help applicants with disabilities apply for naturalization. One of the strengths of the Essential Guide is that it is very easy to read and understand for lawyers and other community advocates, including paralegals, community and labor organizers, and teachers. With dozens of examples demonstrating the legal concepts and hundreds of citations to the law, the reader will be thoroughly prepared to do the legal research necessary to successfully support clients towards naturalization.

California Jury Instructions--Civil (BAJI)



California Jury Instructions Civil is authored using the precise language of the law.

Book of Approved Jury Instructions (BAJI) has been recognized for more than 50 years as the source for civil jury instructions in California. The instructions have been tested in court, and judges and lawyers are familiar with them.

California Jury Instructions—Civil (CACI)

Authored by the Judicial Council of California Advisory Committee on Civil Jury Instructions, California Jury Instructions—Civil (CACI) provides a complement to BAJI, the jury instructions that have been used in California for more than 60 years.

This set includes:

- BAJI instructions
- CACI plain-language instructions
- Use Notes and Comments for CACI and BAJI
- Cross-references between CACI and BAJI
- Directions for changing instructions to fit specific cases
- Life expectancy and present value tables
- References to statutes and court opinions that take you quickly to the source of the instruction
- The BAJI Master List, a table of BAJI instructions that shows when each was new or revised

Coverage of major areas includes, but is not limited to:

- Damages
- Evidence
- Motor vehicles
- Negligence
- Products liability
- Contracts
- Insurance
- Tort law
- Statutory actions.



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Beyond the Stacks



Agaña Bay

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You'll get bragging rights, and that's about all.