



# Third Northern Mariana Islands Constitutional Convention Pre-Convention Committee

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## MEMORANDUM

**DATE:** June 2, 1995

**TO** : Pre-Convention Committee  
**FROM** : The Legal Subcommittee  
**SUBJECT** : Rule on Conflicts of Interest

The Legal Subcommittee has considered alternatives with respect to a rule on conflicts of interest that would govern the lawyers working for the Convention.

After discussion the Legal Subcommittee recommends the following rule:

A lawyer who has a private practice in the Commonwealth may advise the Convention under the following conditions:

(1) the subject matter of the advice may not include land matters and natural resources (Article XI, Article XII, Article XIII, Article XIV), environmental matters (Article I, Section 9), local government matters (Article VI, Article III, Section 17) or gambling (Article XXI);

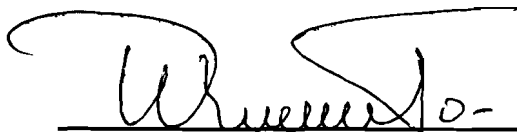
(2) disclosure is made by the lawyer to lead counsel for the Convention describing generally the subject matters being handled for current clients (other than the subjects listed above) that are relevant to their impartiality in providing advice to the Convention; and the lawyer informs lead counsel of the areas where the lawyer voluntarily declines to work because current client interests are so directly affected by the decisions to be made by the Convention;

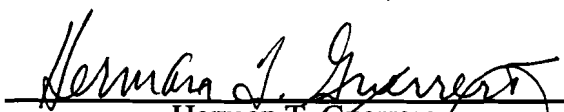
(3) lead counsel makes assignments of legal work for the Convention on (1) and (2) above.

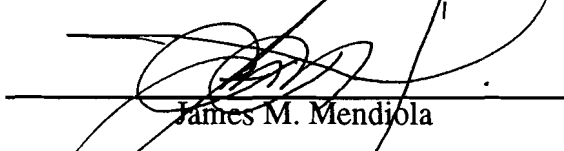
The Legal Subcommittee recommends this rule for the following reasons. First, the subject matter bar in paragraph 1 covers the general areas of most concern to the delegates. These are the areas which may involve substantial local commercial interests. A simple rule which respect to these subjects will be easy to administer and will ensure the delegates that the commercial interests of private clients are not affecting the legal advice they receive.

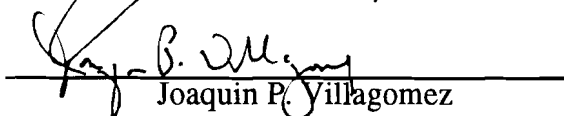
Second, the Legal Subcommittee thinks it is important to have considerable flexibility as to the remaining articles of the Constitution which cover subjects not likely to involve directly important commercial interests and which are not likely to produce bias arising out of the interests of private clients. The Legal Subcommittee believes that disclosure by the lawyer coupled with a voluntary bar working in areas where the lawyer's current clients have substantial interests will protect the Convention's interests adequately.

Third, the Legal Subcommittee is willing to rely on the judgment of lead counsel as to the appropriate assignments for lawyers hired for the Convention and as to the even-handedness of the legal advice provided to the Convention. The plan for providing legal services to the Convention involves lawyers working as part of a team. No single lawyer will provide the only advice that the delegates hear on a particular question. The advice to be given will be reviewed by the team. The participation of former Chief Justice Jose S. Dela Cruz as part of the team and his involvement in the process of assessing conflicts is also an important factor in the Subcommittee's recommendation in this regard.

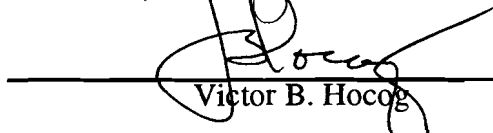
  
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Carlos S. Camacho, Chair


  
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Herman T. Guerrero

  
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