
A RESOLUTION

Expressing the displeasure of the Congress of the Federated States of Micronesia with the employment arrangement between David Nevitt and the law firm of Carlsmith, Wichman, Case, Mukai and Ichiki.

1 WHEREAS, on September 2, 1983, pursuant to General Court Order
2 No. 1983-2 of the Supreme Court of the Federated States of Micronesia,
3 the Model Rules of Professional Conduct ("the Rules") as adopted by the
4 American Bar Association were made applicable to the actions and practice
5 of attorneys before that Court; and

6 WHEREAS, some of the Rules are imperatives, cast in the terms "shall"
7 or "shall not"; and

8 WHEREAS, failure to comply with a prohibition imposed by a Rule is a
9 basis for invoking the disciplinary process; and

10 WHEREAS, David Nevitt, the present Attorney General for the Federated
11 States of Micronesia, is entrusted with the most important law enforcement
12 position in the Federated States of Micronesia and has access to most, if
13 not all, legal matters that affect our Nation; and

14 WHEREAS, David Nevitt, by dint of his position, should attempt to
15 scrupulously avoid any violation of the Rules, and in particular, those
16 Rules that are imperatives; and

17 WHEREAS, Rule 1.11, (c)(2) specifically states that "...a lawyer
18 serving as a public officer or employee shall not negotiate for private employ-
19 ment with any person who is involved as a party or as attorney for a party in
20 a matter which the lawyer is participating personally and substantially"; and

21 WHEREAS, "matter" as used in Rule 1.11, (d)(1) includes "any judicial
22 or other proceeding, application, request for a ruling or other determination,
23 contract, claim, controversy, investigation, charge, accusation, arrest or
24 other particular matter involving a specific party or parties..."; and

25 WHEREAS, the law firm of Carlsmith, Wichman, Case, Mukai and Ichiki,

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1 among other legal counsel, represents Continental Airlines relative to
2 its dispute with Air Micronesia and its efforts to enter into a joint
3 venture arrangement with the Republic of the Marshalls and the Federated
4 States of Micronesia; and

5 WHEREAS, it is the opinion of the Congress of the Federated States
6 of Micronesia that David Nevitt, as Attorney General for the FSM, participated
7 personally and substantially in discussions and negotiations with Continental
8 Airlines and their legal counsel relative to the role of the FSM in the
9 dispute between Continental Airlines and Air Micronesia, and relative to the
10 role of the FSM in the joint venture arrangement between Continental Airlines,
11 the Republic of the Marshalls and the Federated States of Micronesia; and

12 WHEREAS, the Congress of the Federated States of Micronesia has been
13 recently informed that David Nevitt intends to resign his position as the
14 Attorney General for the Federated States of Micronesia and to begin
15 employment with the lawfirm of Carlsmith, Wichman, Case, Mukai and Ichiki;
16 and

17 WHEREAS, it is the sense of the Congress of the Federated States of
18 Micronesia that the employment of David Nevitt by the law firm of Carlsmith,
19 Wichman, Case, Mukai and Ichiki, is an apparent violation of Rule 1.11,
20 (c)(2) of the Rules; and

21 WHEREAS, the employment arrangement between David Nevitt and the law
22 firm of Carlsmith, Wichman, Case, Mukai and Ichiki is offensive to the
23 ethical standards that the Congress of the Federated States of Micronesia
24 expects the Attorney General of the Nation to uphold; now, therefore,

25 BE IT RESOLVED by the Fourth Congress of the Federated States of

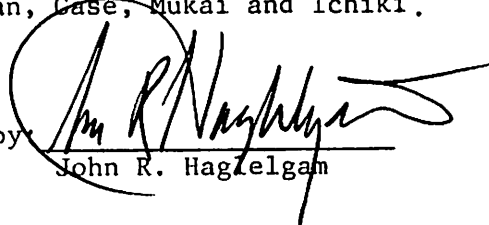
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1 Micronesia, Second Regular Session, 1985, that the Congress hereby expresses its
2 displeasure with the employment arrangement between David Nevitt and the
3 law firm of Carlsmith, Wichman, Case, Mukai and Ichiki; and

4 BE IT FURTHER RESOLVED that certified copies of this resolution be
5 transmitted to David Nevitt, the President of the Federated States of
6 Micronesia, and the law firm of Carlsmith, Wichman, Case, Mukai and Ichiki.

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8 Date: Nov. 12, 1985

Introduced by 
John R. Hagelgam

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