



By the order of the court, Judge David A Wiseman

E-FILED
CNMI SUPERIOR COURT
E-filed: Sep 10 2010 3:17PM
Clerk Review: N/A
Filing ID: 33159288
Case Number: 10-0210-CV
N/A



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FOR PUBLICATION

IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN RE THE MATTER OF:)
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)
)
JOSEPH ALDAN ARRIOLA,)
)
)
Respondent.)
)
_____)

CIVIL ACTION NO. 10-0210
DISCIPLINARY CASE NO. 2007-01

ORDER OF ATTORNEY DISCIPLINE

This matter came on for hearing on August 11, 2010 pursuant to Rule 9 of the Disciplinary Rules and Procedures for Persons Practicing Law in the Courts of the Commonwealth.

The appointed Disciplinary Counsel, Thomas E. Clifford, appeared. Respondent Joseph Aldan Arriola did not appear. The matter proceeded in the Respondent's absence because Respondent filed *Respondent's Consent to Judgment/Waiver of Appearance/Declaration* ("Consent to Judgment"), in which Respondent waived his right to appear at the hearing and consented to judgment being entered against him in this matter.

Therefore, based on the foregoing, the pleadings and other papers on file in this case, the matters adduced at the hearing and the applicable law, the Court hereby ORDERS as follows:

1. Based on the Consent to Judgment, the papers on file in this case and the matters adduced at the August 11, 2010 hearing of this matter, the Court accepts the allegations in the Complaint in this case as true, and adopts them herein as if set forth in full.

- 1 2. The Court finds that Respondent violated Model Rule of Professional Conduct 1.3.
2 Respondent was not reasonably diligent in the representation of his client, Ms. Rodora
3 Marzan, in that more than a year passed and he never filed the bankruptcy petition that he
4 agreed to file.
- 5 3. Respondent's conduct violated Model Rule of Professional Conduct 1.4. Respondent failed
6 to keep Ms. Marzan reasonably informed of the status of the representation in that he failed
7 to inform Ms. Marzan of his suspension and he never responded to her inquiry through
8 lawyer Michael A. White.
- 9 4. Respondent's conduct violated Model Rule of Professional Conduct 8.4(c) and (d).
10 Respondent demonstrated misconduct by failing over the course of more than one year to:
11 1) pursue the representation; 2) keep the client informed; and perhaps most notably, 3) return
12 the \$1,000 retainer fee to Ms. Marzan, an innocent victim in this matter (who clearly had
13 severe financial limitations), upon her request.
- 14 5. The Court notes that Respondent has been disbarred from the practice of law in the
15 Commonwealth, and so the Court hereby imposes the following discipline in this case:
 - 16 a. Respondent, if he has not already done so in connection with his disbarment, shall
17 prepare and send a notice to any and all of his clients informing them of his
18 disbarment and provide such notice and a list of the recipients to this Court pursuant
19 to the timetable set forth in the Order of Disbarment. If Respondent has already sent
20 such notices in connection with his disbarment, then he shall send proof to the Court
21 in this case.
 - 22 b. Respondent shall pay Ms. Marzan the \$1,000 that she gave him, together with pre-
23 judgment interest at the rate of 9% from the date that Ms. Marzan gave the \$1,000
24 to Respondent. This amount shall be paid directly to the Court for the benefit of Ms.
25 Marzan.

1 c. Respondent shall pay the Disciplinary Counsel's reasonable attorney's fees and any
2 costs for the prosecution of this matter. This amount shall also be paid to the Court.

3 d. Prior to any re-admission to practice law before the courts of the Commonwealth,
4 Respondent shall provide proof that he has fully paid the amounts due Ms. Marzan
5 and the Disciplinary Counsel, together with all applicable interest. As a further
6 predicate to any re-admission, in addition to any other requirements that may be
7 imposed, Respondent shall also pass the Examinations set forth in the Order of
8 Disbarment.

9 6. The Disciplinary Counsel shall submit his attorney's fees and costs incurred in this matter
10 within ten (10) days of this order.

11 7. The Court will enter a separate judgment against Respondent setting forth the amount then
12 due with accrued interest, and providing for statutory post judgment interest to accrue at 9%
13 per annum.

14
15 **SO ORDERED this 10th day of September, 2010.**

16
17 _____ / s / _____
18 David A. Wiseman, Associate Judge