



By the order of the court, Judge David A Wiseman

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FOR PUBLICATION

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

IN RE THE MATTER OF:)	CIVIL CASE NO. 11-0117
)	DISCIPLINARY CASE NO. 2008-01
STEPHANIE DLG. FLORES,)	
)	
Respondent.)	ORDER RE: DISCIPLINARY ACTION
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I. INTRODUCTION

THIS MATTER came on for a hearing on June 28, 2012 at 10:00 a.m. in Courtroom 223A, pursuant to the prosecutor’s motion for default judgment. The complaint was duly served on Respondent and was never responded to, which resulted in an Entry of Default being entered on February 21, 2012.

The hearing was sealed and Thomas E. Clifford appeared as the attorney appointed to prosecute this matter. Respondent did not appear.

II. FINDINGS

In view of the default in this matter, the Court finds the following facts to be admitted as true:

Respondent is a member of the CNMI Bar and the Court has jurisdiction over this matter.

In June 2006, Eloisa L. San Nicolas (“Mrs. San Nicolas”) retained Respondent to represent Ms. San Nicolas’ husband, Ramon C. San Nicolas (“Mr. San Nicolas”) in a criminal case in which he was charged with sexual assault of a minor.

1 Respondent accepted the case, and then requested a retainer of \$15,000. Mrs. San Nicolas paid the
2 Respondent the requested \$15,000.

3 The Respondent only visited Mr. San Nicolas, who was in pre-trial detention, a few times.

4 The Respondent failed to adequately review the discovery that she had received from the government
5 with Mr. San Nicolas, and she failed to adequately determine the facts of the case and to explain the
6 applicable law to Mr. San Nicolas nor meet with him in person to present and discuss a plea offer of the
7 government.

8 The Respondent failed to appear for one or more hearings in the case. In July, at one of those
9 hearings the assigned judge, Associate Judge Wiseman, removed her from the case when it became apparent
10 that the Respondent was not communicating with her client, and had apparently moved to Guam and
11 abandoned the case without any notice to the Court or the client.

12 Mrs. San Nicolas repeatedly requested the Respondent to provide an accounting of her time, and the
13 Respondent failed to do so.

14 Therefore, the Court finds that the fee charged was unreasonable for the work performed, which
15 consisted only of a few short visits to Mr. San Nicolas, a telephone call to him, some level of review of the
16 discovery provided by the government, some level of review of the plea agreement offered by the
17 government, and no more than a few court appearances.

18 The Respondent's conduct violated ABA Model Rule of Professional Conduct Rule 1.1. The
19 Respondent failed to provide competent representation, and she abandoned the case with no explanation to
20 her client nor to the Court.

21 The Respondent's conduct violated Model Rule 1.3. The Respondent was not reasonably diligent
22 in the representation of her client in that she failed to spend sufficient time with Mr. San Nicolas to learn
23 enough about the case, in that she failed to adequately explain the applicable law to him, the client's options
24 and how the case could proceed, and in that she failed to appear for at least one scheduled hearing and
25 instead abandoned the case and her client.

1 The Respondent’s conduct violated Model Rule 1.4. The Respondent failed to keep her client
2 reasonably informed of the status of the representation and she failed to respond to reasonable requests for
3 information.

4 The Respondent’s conduct violated Model Rule 1.5. The retainer fee of \$15,000 is unreasonable for
5 the few hours of work performed.

6 The Respondent’s conduct violated Model Rule 1.15. The Respondent failed to safeguard the
7 client’s property in that she neither provided an accounting of her work performed and fees, nor alternatively
8 returned the unused portion of the \$15,000. A court must be extremely diligent in protecting and upholding
9 the integrity and decorum of the judicial system. The public’s confidence in the judicial system depends on
10 it. A main factor in pursuing this constant diligence is to regulate the attorneys who practice law before the
11 court and to assure that attorneys do not engage in conduct that disparages the administration of justice. In
12 order to assist in this task, disciplinary rules and procedures are in place for persons practicing law in the
13 Courts of the CNMI, and the CNMI like most States, has adopted the ABA Model Rules of Professional
14 Conduct.

15 As stated in the Preamble to the Model Rules, “[t]he legal profession’s relative autonomy carries with
16 it special responsibilities of self-government. The profession has a responsibility to assure that its
17 regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns
18 of the bar.” This view of the professional relationship places the burden on lawyers to observe the ethical
19 requirements that are set out in the Model Rules and makes it essential that lawyers themselves maintain the
20 integrity of the profession.

21 In addition to duties owed to clients, lawyers also owe duties to the general public. Members of the
22 public are entitled to be able to trust lawyers to protect their property, liberty and lives. The community
23 expects lawyers to exhibit the highest standards of honesty and integrity, and lawyers have a duty not to
24 engage in conduct involving dishonesty, fraud or interference with the administration of justice.

25 Lawyers also owe a duty to the legal system. Lawyers are officers of the court, and must abide by

1 the rules of substance and procedure which shape the administration of justice.

2 As discussed above, the Court finds Respondent has breached her duty to her client, Ramon C. San
3 Nicolas, the public and the Court. Specifically, the Court finds Respondent in violation of Model Rules 1.1,
4 1.3 and 1.4 by not providing competent nor diligent representation, abandoning the client, and not keeping
5 client informed nor communicating with client. In addition, Respondent violated 1.5 in charging an
6 unreasonable fee for the work that may have been performed.

7 Attorneys found to be in violation of the Model Rules should be disciplined appropriately by way
8 of this Court imposing a disciplinary result that will assure the public's confidence in the Judiciaries'
9 regulation of the attorneys practicing in the CNMI.

10 Accordingly, the Court makes an initial determination that the appropriate sanction is the suspension
11 of Respondent and now considers any relevant aggravating or mitigating factors. The Court has not been
12 presented with any mitigating factors. The Court does, however, find aggravating factors, which it considers
13 Respondent's conduct indicates a gross indifference and disrespect for the Judiciary, legal profession, the
14 general public and the clients Respondent agreed to represent. The Court also takes judicial notice of a
15 suspension order from the Supreme Court of Guam suspending Respondent from the practice of law in
16 Guam for similar violations as in this matter. In view of the foregoing, the Court believes that the imposition
17 of suspension along with several conditions for future readmission is warranted.

18 19 **III. CONCLUSION**

20 In conclusion, the Court believes that the Respondent's misconduct has resulted in serious injuries
21 to the legal profession, her clients, the public and the legal system in general through a disparagement of the
22 administration of justice and finds that the appropriate discipline is indefinite suspension under the
23 conditions stated below.

24 **IT IS HEREBY ORDERED:**

25 a. Respondent is hereby suspended forthwith, indefinitely from practicing law in the CNMI

1 until the following conditions are complied with:

- 2 1. Respondent shall disgorge the fee of \$15,000.00 collected from the complaint and
3 deposit it with the Court, to be held pending further order. The Respondent shall
4 submit an accounting of the time spent on this case, expenses and the total billing for
5 services rendered, if any.
- 6 2. Respondent shall take and pass the Multistate Professional Responsibility
7 Examination.
- 8 3. Respondent shall pay any costs for the prosecution of this matter. This amount shall
9 also be paid to the Court.
- 10 4. Respondent shall comply with all provisions of Rule 15 of the NMI Disciplinary
11 Rules which includes among other things, notices to clients and others and
12 certifications to the Court.
- 13 5. Respondent shall pay to any and all clients the sum of any unearned retainer fees.
- 14 6. Disciplinary Counsel in this matter shall submit his attorney fees and costs of
15 prosecution within fifteen (15) days of this Order.

16
17 **SO ORDERED this 12th day of July, 2012.**

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David A. Wiseman, Associate Judge