



By the order of the court, Judge David A Wiseman

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FOR PUBLICATION

CLIFFORD COURT  
SUPERIOR COURT

2013 JUN -7 PM 3:06

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

IN RE THE MATTER OF:

STEPHEN C. WOODRUFF,

Respondent.

) CIVIL CASE NO. 13-0017

) Disciplinary Cases

) 1) 2008-008; 2) 2008-12; 3) 2009-001; 4) 2009-05; 5) 2011-012; 6) 2011-013; 7) 2011-014; 8) 2012-001; 9) 2012-004

) DISCIPLINARY ACTION: DISBARMENT

**I. INTRODUCTION**

**THIS MATTER** came on for a hearing for a Default Judgment on May 15, 2013, at 2:30 p.m. in Courtroom 223A, pursuant to Thomas E. Clifford (“Disciplinary Counsel”)’s motion for default judgment on each of the nine cases cited above. Respondent Stephen C. Woodruff (“Mr. Woodruff”) was duly served with the complaint but failed to respond, which resulted in an Entry of Default being entered on March 6, 2013.

The hearing was sealed and Thomas E. Clifford appeared as the attorney appointed to prosecute this matter. Mr. Woodruff was given a courtesy notice and did appear.<sup>1</sup> After taking into account oral and written arguments, the Court finds Mr. Woodruff in violation of Model Rules of Professional Conduct (“MRPC”) 1.1, 1.3, 1.4, 1.5, 3.1, 3.2, 3.3, 8.1, and 8.4 for the following reasons.

**II. PROCEDURAL BACKGROUND**

A First Amended Complaint in this matter was served on February 19, 2013, with a footnote indicating that

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<sup>1</sup>Said notice is not required for a defaulting party pursuant to the Rules of Civil Procedure and the Disciplinary Rules of Procedures; however, notwithstanding Respondent’s default, he was noticed with all hearings as a courtesy.

1 the response was due on March 5, 2013.<sup>2</sup> Disciplinary Counsel did this to clarify any possible confusion with the  
2 answer due date of the original Complaint and the subsequent First Amended Complaint.

3 An Entry of Default was entered on March 6, 2013, and two days later Mr. Woodruff e-mailed Disciplinary  
4 Counsel inquiring when the answer was due.

5 The Court scheduled a hearing on the Default Judgment on March 14, 2013. Upon entry to the courtroom,  
6 the Clerk handed the judge an envelope which contained Mr. Woodruff's filed motion, asking the Court to set aside  
7 the entry of default.

8 The Court, notwithstanding the improprieties with Mr. Woodruff's motion, and over the objection of  
9 Disciplinary Counsel, deferred the scheduled default judgment hearing and allowed Mr. Woodruff to argue his  
10 motion. The Court denied said motion in its order of April 4, 2013, and reset the default judgment hearing for May  
11 8, 2013, which for good cause was rescheduled to May 14, 2013.

12 On April 18, 2013, Respondent filed a motion for reconsideration on the order denying the motion for  
13 reconsideration and requested additional time to brief the points he stated in his two page motion. Disciplinary  
14 Counsel opposed the motion, and the Court, in a written Order issued April 24, 2013, denied the motion on the basis  
15 that it was untimely, did not have a memorandum of law supporting the motion, and lacked the requisite grounds for  
16 a motion for reconsideration to succeed.

### 17 **III. LEGAL STANDARDS AND CONCLUSIONS OF LAW**

18 Professional responsibility is the basic requirement for all attorneys, trial assistants and other officers and  
19 administrators of the court in order to maintain the highest possible level of morality in the judicial system. *In re the*  
20 *Matter Villanueva*, 1 CR 952, 956 (Dist. Ct. App. Div. 1984).

21 The Commonwealth courts have the inherent power and duty to regulate the practice of law, both in and out  
22 of court pursuant to the Commonwealth Disciplinary Rules and Procedures. 1 CMC § 3403; NMI Disc. R. 1;  
23 *Matsunaga v. Matsunaga*, 2001 MP 11 ¶ 19. The standard of proof for establishing allegations of attorney

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25 <sup>2</sup>This First Amended Complaint adds three additional disciplinary cases Disciplinary Counsel was recently appointed  
to prosecute: a) 2009-001; b) 2012-001; and c) 2012-004.

1 misconduct is clear and convincing evidence. NMI Disc. R. 9(g); *In re Disciplinary Proceedings of Rhodes*, 2002  
2 MP 2 ¶ 3; *Saipan Lau Lau Dev., Inc. v. Superior Court (San Nicolas)*, 2001 MP 2 ¶ 30.

3 The purpose of a disciplinary action against an attorney is not to punish the attorney, but rather to guard the  
4 administration of justice, maintain the dignity of the court and the integrity of the profession, and to protect the  
5 public. *Saipan Lau Lau Dev., Inc.*, 2001 MP 2 ¶ 38. In determining the appropriate sanction, the court considers the  
6 nature of the misconduct, the cumulative weight of the violations, and the harm to the public and the profession. *Id.*  
7 The Court has set forth disciplinary rules and procedures for persons practicing law in the Courts of the CNMI, and  
8 like most States, has adopted the MRPC of the American Bar Association.<sup>3</sup>

9 As stated in the Preamble to the MRPC, “[t]he legal profession’s relative autonomy carries with it special  
10 responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived  
11 in the public interest and not in furtherance of parochial or self-interested concerns of the bar.” MODEL RULES OF  
12 PROF’L CONDUCT Preamble (2012). This view of the professional relationship places the burden on lawyers to  
13 observe the ethical requirements that are set out in the MRPC and makes it essential that lawyers themselves maintain  
14 the integrity of the profession.

15 MRPC 1.1, Competence, requires a lawyer to provide competent representation to his client, which  
16 necessitates “the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”  
17 MODEL RULES OF PROF’L CONDUCT R. 1.1. Competence requires adequate preparation. *See id.* at cmt. 5. “Evidence  
18 of a failure to apply the requisite thoroughness and/or preparation in representing a client is sufficient alone to  
19 support a violation of *Rule 1.1.*” *Att’y Griev. Comm’n v. Guida*, 391 Md. 33, 54 (2006). MRPC 1.1 is violated when  
20 “an attorney fails to act or acts in an untimely manner, resulting in harm to his or her client.” *Att’y Griev. Comm’n*  
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22 <sup>3</sup>The Court would like to note that the purpose of a disciplinary proceeding is not punitive in nature, but instead is to  
23 inquire into the fitness of the lawyer to continue in his/her capacity for the protection of the public, the courts, and the legal  
24 profession. In addition to the duties owed to clients, the lawyer also owes a duty to the general public. Members of the public  
25 are entitled to be able to trust lawyers to protect their property, liberty, and their lives. The community expects lawyers to  
exhibit the highest standard of honesty and integrity, and lawyers have a duty not to engage in conduct involving dishonesty,  
fraud, or interference with the administration of justice. Lawyers also owe duties to the legal system. Lawyers are Officers of  
the Court, and must abide by the rules of substance and procedure which shape the administration of justice.

1 v. *Brown*, 426 Md. 298, 315 (2012); see, e.g. *Att’y Griev. Comm’n v. De La Paz*, 418 Md. 534, 553-54 (2011) (failure  
2 to appear at a hearing was a violation of MRPC 1.1); *Guida*, 391 Md. at 54 (failure to take action, including filing  
3 a petition, was a violation of MRPC 1.1). In all nine matters below, Mr. Woodruff failed to take action in a timely  
4 manner, which resulted in harm to his clients, including failing to timely file responses, failure to file anything at all,  
5 and failing to appear at a trial. Mr. Woodruff, therefore, violated MRPC 1.1 in all nine matters below.

6 MRPC 1.3, Diligence, requires a lawyer to “act with reasonable diligence and promptness in representing  
7 a client.” MODEL RULES OF PROF’L CONDUCT R. 1.3. An attorney’s failure “to take fundamental steps in furthering  
8 a client’s matter qualifies as neglect and inattentiveness to a client’s interest, and thereby is a violation of [MRPC]  
9 1.3.” *Att’y Griev. Comm’n v. Gisriel*, 409 Md. 331, 371 (2009) (failure to file a response and failure to attend a court  
10 hearing constituted a violation of MRPC 1.3). In all nine matters below, Mr. Woodruff failed to take any steps in  
11 furthering his clients’ cases, including failing to file timely responses, failing to file anything at all, and failing to  
12 appear at a trial. Mr. Woodruff, therefore, violated MRPC 1.3 in all nine matters.

13 MRPC 1.4, Communication, requires a lawyer to promptly communicate with his client, to keep his client  
14 reasonably informed about the matter, and to comply with a client’s reasonable request for information. See MODEL  
15 RULES OF PROF’L CONDUCT R. 1.4. “It is beyond cavil that an attorney violates [MRPC] 1.4 when he or she ignores  
16 client requests for information and communicates nothing to the client regarding the status of the case.” *Att’y Griev.  
17 Comm’n v. Garrett*, 427 Md. 209, 225 (2012). In all nine matters below, Mr. Woodruff either ignored client requests  
18 for status updates or totally failed to communicate with his clients, thereby violating MRPC 1.4 in all nine instances.

19 MRPC 1.5, Fees, prohibits a lawyer from collecting an unreasonable fee. See MODEL RULES OF PROF’L  
20 CONDUCT R. 1.5. “[A]n otherwise-reasonable fee can become unreasonable if the lawyer fails to earn it.” *Garrett*,  
21 427 Md. at 225. Mr. Woodruff collected a sum of money for a fee in four of the matters below in which he failed  
22 to take any meaningful steps in pursuit of his clients’ objectives. Thus, Mr. Woodruff violated MRPC 1.5 in  
23 connection with four of the matters.

24 MRPC 3.1, Meritorious Claims and Contentions, prohibits a lawyer from bringing an action unless there is  
25 a basis in law and fact for doing so that is not frivolous. See MODEL RULES OF PROF’L CONDUCT R. 3.1. In one of

1 the matters below, Mr. Woodruff admitted he brought an appeal not for the purpose of appealing the case, but to  
2 enable his client to remain in the Commonwealth of the Northern Mariana Islands, which was a consequence of filing  
3 the appeal. Thus, Mr. Woodruff violated MRPC 3.1 in connection with one of the matters.

4 MRPC 3.2, Expediting Litigation, mandates a lawyer to “make reasonable efforts to expedite litigation  
5 consistent with the interests of the client.” MODEL RULES OF PROF’L CONDUCT R. 3.2; *see, e.g. Garrett*, 427 Md. at  
6 226 (finding failure to appear for a scheduling conference and a hearing constituted a failure to take reasonable steps  
7 to expedite litigation). In one of the matters below, Mr. Woodruff failed to appear at a trial, which resulted in the  
8 lawsuit being dismissed with prejudice. Thus, Mr. Woodruff, violated MRPC 3.2 in connection with one of the  
9 matters.

10 MRPC 3.3, Candor Toward the Tribunal, prohibits a lawyer from knowingly making a false statement of law  
11 or fact to a tribunal. *See* MODEL RULES OF PROF’L CONDUCT R. 3.3. In one of the matters below, Mr. Woodruff  
12 admitted he filed an appeal for a client for the sole and improper purpose of enabling his client to remain in the  
13 Commonwealth of the Northern Mariana Islands by filing an appeal. Therefore, Mr. Woodruff violated MRPC 3.3  
14 in connection with one of the matters.

15 MRPC 8.1, Bar Admission and Disciplinary Matters, makes it a violation for a lawyer to knowingly fail to  
16 respond to a lawful demand for information from a disciplinary authority. *See* MODEL RULES OF PROF’L CONDUCT  
17 R. 8.1. Mr. Woodruff failed to respond to requests for information from the CNMI Bar Association Disciplinary  
18 Committee (“DC”) in connection with one of the matters below. Mr. Woodruff, therefore, violated MRPC 8.1 in at  
19 least one instance.

20 Finally, MRPC 8.4(a)(c) and (d) prohibit misconduct by a lawyer. *See* MODEL RULES OF PROF’L CONDUCT  
21 R. 8.4. Subsection (a) defines misconduct as a violation, or an attempt to violate, any of the MRPC. *Id.* Subsection  
22 (c) defines misconduct as “engag[ing] in conduct involving dishonesty, fraud, deceit, or misrepresentation.” *Id.*  
23 Subsection (d) defines misconduct as “engag[ing] in conduct that is prejudicial to the administration of justice.” *Id.*  
24 Conduct that reflects negatively on the legal profession and sets a bad example for the public at large is prejudicial  
25 to the administration of justice. *See Garrett*, 427 Md. at 227. Mr. Woodruff violated MRPC 8.4(a) in all nine

1 matters, having violated numerous rules of professional conduct in connection with each representation. Mr.  
2 Woodruff also violated MRPC 8.4(c) in connection with one of the matters when he misrepresented the purpose of  
3 an appeal to a tribunal. Finally, Mr. Woodruff violated MRPC 8.4(d) in all nine matters when he acted in a way that  
4 reflected negatively on the legal profession and set a bad example for the public at large.

5 **IV. FACTUAL FINDINGS**

6 In view of the default in this matter, the Court finds the following facts to be admitted as true pursuant to  
7 Rule 9(c) of the Disciplinary Rules and Procedures for Persons Practicing Law in the Courts of the Commonwealth:

8 1. This Court has jurisdiction over this matter pursuant to 1 CMC § 3401 and the Disciplinary Rules and Procedures  
9 for Persons Practicing Law in the Courts of the Commonwealth, which rules were duly promulgated by the  
10 Commonwealth Supreme Court, and which rules lawfully govern the professional conduct of lawyers practicing  
11 before the Commonwealth courts.

12 2. Mr. Woodruff was at all times relevant to the conduct made the basis of this complaint an attorney licensed to  
13 practice law before the Courts of the Commonwealth of the Northern Mariana Islands.

14 3. This single First Amended Complaint is brought with respect to, and includes, nine separate disciplinary  
15 complaints against Mr. Woodruff because all nine matters involve a common pattern of failing to competently and  
16 diligently represent clients, as well as the failure to keep clients reasonably informed of the status of their matters.

17 **A. CIVIL ACTION NO. 2008-008**

18 4. On or about January 23, 2007, Kenneth and Wantapha Warfle retained Mr. Woodruff to represent them in the  
19 process of obtaining a resident alien card for Wantapha. The Warfles gave Mr. Woodruff a \$165.00 processing fee,  
20 and an additional \$600.00 in attorney's fees. The attorney's fees were paid in the form of a check that cleared on  
21 or about January 25, 2007.

22 5. During the period of March to September 2007, the Warfles repeatedly and unsuccessfully attempted to contact  
23 Mr. Woodruff regarding the status of their application.

24 6. On or about September 18, 2007, the Warfles received notice from the United States Citizenship and Immigration  
25 Service ("USCIS") that various application documents had been received, but only as of July 2007.

1 7. In December 2007, the Warfles received notice from USCIS that their application was deficient in that additional,  
2 current financial information was required. Mr. Warfle provided this information.

3 8. On or about February 11, 2008, the Warfles received notice from USCIS that the check dated January 23, 2007  
4 could not be cashed, and so a money order was sent via express mail.

5 9. In March 2008, the Warfles received notice that the application had been rejected for non-payment.

6 10. On or about May 9, 2008, the Warfles received notice from USCIS that their interview was scheduled to take  
7 place while Mr. Warfle would be away on work (he is a chief engineer in the U.S. maritime industry) and/or for  
8 medical treatment (spine surgery in Indonesia). Mrs. Warfle then met with Mr. Woodruff to move the appointment,  
9 and Mr. Woodruff assured Mr. Warfle via Mrs. Warfle's cellular telephone during that meeting that Mr. Woodruff  
10 would contact the Guam office of USCIS to reschedule the interview.

11 11. On or about May 12, 2008, Clyde Gordon spoke with Mr. Woodruff and Mr. Woodruff assured Mr. Gordon that  
12 Mr. Woodruff had rescheduled the interview.

13 12. In June 2008, the Warfles received notice that their application had been denied for failure to attend the  
14 interview.

15 13. Mr. Woodruff also failed to be reasonably responsive to the Warfles' inquiries and to keep his clients reasonably  
16 informed of the status of their application.

17 14. In sum, eighteen months into the process, the Warfles' application for a resident alien card was not only not  
18 processed in a timely, diligent and competent fashion, but the application was denied.

19 15. The Warfles filed a complaint with the DC.

20 16. The DC determined that Mr. Woodruff had violated the Model Rules of Professional Conduct ("MRPC"), and  
21 they referred the matter to the Superior Court for disciplinary proceedings against Mr. Woodruff.

22 17. Mr. Woodruff's conduct as set forth above in Paragraphs 4 through 14 was a violation of MRPC 1.1,  
23 Competence, and 1.3, Diligence, in that the application should not have taken so long to process, nor should it have  
24 still been in a "denied" status after eighteen months. Although the clients paid Mr. Woodruff for the application and  
25 interview in February 2008, in March 2008, the clients were informed by USCIS that their application was rejected

1 for nonpayment.

2 18. Mr. Woodruff's conduct as set forth above in Paragraphs 4 through 14 also violated MRPC 1.4, Communications,  
3 in that Mr. Woodruff failed to be reasonably responsive to client inquiries and to keep his clients reasonably informed  
4 of the status of their application notwithstanding the clients' persistent attempts to contact Mr. Woodruff. This was  
5 over an approximate seven month period. The clients were also not informed of an interview with USCIS and their  
6 application was denied for failure to attend the interview.

7 **B. CIVIL ACTION NO. 2008-012**

8 19. Sometime in late 2007, Ambrosio V. Baing ("Mr. Baing") retained Mr. Woodruff to represent him in an appeal  
9 from a Labor case, Labor Case No. 07-236.

10 20. At most, Mr. Woodruff filed a hand written appeal that indicated that additional documents would be submitted.  
11 However, no such additional documents were ever submitted, and Mr. Woodruff never took any further actions in  
12 the appeal.

13 21. Mr. Baing repeatedly attempted to communicate with Mr. Woodruff during the period from December 2007  
14 through September 2008, and was largely unsuccessful in being able to communicate with Mr. Woodruff directly or  
15 in obtaining any meaningful response regarding the status of his appeal.

16 22. Mr. Woodruff subsequently admitted to the DC investigating attorney that he had not filed anything beyond the  
17 initial handwritten filing, and that the true purpose of the appeal was so that Mr. Baing could remain in the CNMI  
18 during the pendency of his appeal.

19 23. Mr. Baing filed a complaint with the DC.

20 24. The DC determined that Mr. Woodruff had violated the MRPC, and they referred the matter to the Superior  
21 Court for disciplinary proceedings against Mr. Woodruff.

22 25. Mr. Woodruff's conduct as set forth above in Paragraphs 19 through 22 was a violation of MRPC 1.1,  
23 Competence, and 1.3, Diligence, in that the appeal, if properly undertaken in the first place, should have been pursued  
24 with appropriate factual and legal positions submitted and then argued, and then otherwise competently and diligently  
25 pursued until a decision was obtained.



1 26. Mr. Woodruff's conduct as set forth above in Paragraphs 19 through 22 also violated MRPC 1.4,  
2 Communications, in that Mr. Woodruff failed to be reasonably responsive to client inquiries and to keep his client  
3 reasonably informed of the status of his appeal despite repeated attempts by the client to contact Mr. Woodruff over  
4 an approximate eight to nine month period.

5 27. Mr. Woodruff's conduct as set forth above in Paragraphs 20 through 23 also violated MRPC 3.1, Meritorious  
6 Claims and Contentions, and 3.3, Candor Toward the Tribunal, in that the appeal should never have been filed in the  
7 first place since Mr. Woodruff knew that the true purpose of the appeal was improper in that it was merely to prolong  
8 the ability of Mr. Baing to remain in the CNMI, and as such, the appeal was an abuse of process and also a lack of  
9 candor toward the tribunal, the Labor hearing office.

10 **C. CIVIL ACTION NO. 2009-001**

11 28. Mr. Woodruff represented Invictus T. Feliciano ("Mr. Feliciano") in Invictus T. Feliciano v. Eastern Hope  
12 Corporation; U.S. District Court for the Northern Mariana Islands, Civil Action No. 08-0001.

13 29. The court, Chief Judge Alex R. Munson presiding, dismissed the lawsuit with prejudice when Mr. Woodruff and  
14 his client failed to appear for the trial on the date scheduled.

15 30. As a result, Mr. Feliciano recovered nothing from his employer, the defendant in the lawsuit, and at the time of  
16 his complaint against Mr. Woodruff, Mr. Feliciano had not recovered the \$300.00 he paid Mr. Woodruff to represent  
17 him in the lawsuit.

18 31. On or about January 26, 2009, Mr. Feliciano filed a complaint with the DC.

19 32. The DC determined Mr. Woodruff had violated the MRPC, and referred the matter to the Superior Court for  
20 disciplinary proceedings against Mr. Woodruff.

21 33. Mr. Woodruff's conduct as set forth above in paragraphs 28 through 30 was a violation of MRPC 1.1,  
22 Competence, and 1.3, Diligence, in that he failed to competently and diligently represent Mr. Feliciano in the lawsuit.

23 34. Mr. Woodruff's conduct as set forth above in paragraphs 28 through 30 violated MRPC 1.4, Communications,  
24 in that Mr. Woodruff failed to keep his client reasonably informed of the status of the lawsuit.

25 35. Mr. Woodruff's conduct as set forth above in paragraphs 28 through 30 was also a violation of MRPC 3.2,

1 Expediting Litigation, in that Mr. Woodruff failed to appear at the scheduled trial.

2 **D. CIVIL ACTION NO. 2009-005**

3 36. Mr. Woodruff represented Honorio G. Cambronero (“Mr. Cambronero”) in Honorio G. Cambronero v. RJCL  
4 Corporation, et al.; U.S. District Court for the Northern Mariana Islands, Civil Action No. 08-0033 (the “Federal  
5 case”).

6 37. The defendants in the Federal case moved for summary judgment. Mr. Woodruff filed a response in which he  
7 conceded that the motion was well taken as to the federal causes of action, but he requested that the Commonwealth  
8 law claims be dismissed without prejudice. Mr. Woodruff did not, however, file any substantive opposition in  
9 support of the Commonwealth claims, nor did he attend the hearing on the motion.

10 38. As a result, the court in the Federal case deemed the entire motion for summary judgment unopposed, granted  
11 the motion in its entirety, entered judgment in favor of the defendants, and awarded them costs.

12 39. Mr. Woodruff also represented Mr. Cambronero in In the Matter of Honorio G. Cambronero v. RJCL  
13 Corporation; CNMI Labor Case No. 08-117 (the “Labor case”).

14 40. The parties in the Labor case stipulated that Mr. Cambronero’s response to RJCL Corporation’s motion to  
15 dismiss could be filed not later than April 14, 2009.

16 41. Mr. Woodruff failed to file any response by April 14, 2009.

17 42. On April 24, 2009, RJCL Corporation noted that there was still no response and again moved to dismiss.

18 43. On April 27, 2009, the hearing officer dismissed the Labor case with prejudice because Mr. Woodruff had still  
19 not filed any response to RJCL Corporation’s motion to dismiss.

20 44. Mr. Woodruff failed to communicate with Mr. Cambronero regarding his handling of the Federal case or the  
21 Labor case, and he never explained why he took, or failed to take, the actions that he did.

22 45. As a result, Mr. Cambronero filed a complaint with the DC.

23 46. The DC determined that Mr. Woodruff had violated the MRPC, and they referred the matter to the Superior  
24 Court for disciplinary proceedings against Mr. Woodruff.

25 47. Mr. Woodruff’s conduct as set forth above in Paragraphs 36 through 44 was a violation of MRPC 1.1,

1 Competence, and 1.3, Diligence, in that he failed to competently and diligently prosecute both the Federal case and  
2 the Labor case. Indeed, the client's labor case was dismissed with prejudice as a result of Mr. Woodruff's not  
3 prosecuting the case competently and diligently. In this matter, there was one client who had one case at the U.S.  
4 District Court of the Northern Mariana Islands and one case at the Department of Labor that Respondent was  
5 supposed to handle for him and he did not do so competently nor diligently resulting in a loss of both matters for the  
6 client.

7 48. Mr. Woodruff's conduct as set forth above in Paragraphs 36 through 44 also violated MRPC 1.4,  
8 Communications, in that Mr. Woodruff failed to keep his client reasonably informed of the status of the two cases.

9 **E. CIVIL ACTION NO. 2011-012**

10 49. Mr. Woodruff represented Emily Santos Garde ("Ms. Garde") in her divorce. The representation began  
11 sometime in 2008. Ms. Garde paid Mr. Woodruff \$1,200.00 to handle the case.

12 50. On or about May 26, 2011, Associate Judge Inos held a hearing in the case and verbally granted the divorce.

13 51. The divorce should have been completed within months, but instead lasted for years due to the lack of diligence  
14 by Mr. Woodruff.

15 52. Then, following the May 2011 hearing, Mr. Woodruff failed to submit a proposed divorce decree and/or failed  
16 to follow up with the court to obtain, within any reasonable time frame, the duly entered written decree of divorce.

17 53. Beginning about one month following the May 2011 hearing, Ms. Garde followed up repeatedly in an effort to  
18 obtain her decree of divorce. Mr. Woodruff told Ms. Garde to stop calling and going to his office because the  
19 proposed decree was with the court.

20 54. Ms. Garde contacted the court and was informed that the proposed decree had not been submitted by Mr.  
21 Woodruff.

22 55. Through the course of the representation, Ms. Garde became increasingly frustrated with the lack of  
23 communication from Mr. Woodruff and the lack of progress on her case.

24 56. In September 2011, Ms. Garde filed a complaint with the DC.

25 57. The DC determined Mr. Woodruff had violated the MRPC, and they referred the matter to the Superior Court

1 for disciplinary proceedings against Mr. Woodruff. The DC's investigating attorney's report is dated January 21,  
2 2012, which notes that as of the date of the report, Ms. Garde still did not have a copy of her divorce decree.

3 58. Mr. Woodruff's conduct as set forth above in Paragraphs 49 through 55 was a violation of MRPC 1.1,  
4 Competence, and 1.3, Diligence, in that he failed to competently and diligently litigate the divorce to its completion.

5 59. Mr. Woodruff's conduct as set forth above in Paragraphs 49 through 55 also violated MRPC 1.4,  
6 Communications, in that Mr. Woodruff failed to keep his client reasonably informed of the status of her case.  
7 Specifically, Mr. Woodruff failed to inform Ms. Garde of the status of obtaining the written decree of divorce  
8 following the hearing, notwithstanding the client repeatedly trying to follow up on the matter.

9 **F. CIVIL ACTION NO. 2011-013**

10 60. Ana E. Reyes ("Ms. Reyes") retained Mr. Woodruff in 2009 to represent her in connection with her application  
11 for U.S. resident alien immigration status. Ms. Reyes paid Mr. Woodruff a total of \$2,510.00 in the last three months  
12 of 2009 to provide this legal service.

13 61. Mr. Woodruff's office contacted Ms. Reyes in June 2010 to request she provide certain documentation in support  
14 of her application. Ms. Reyes provided that documentation to Mr. Woodruff's office within several weeks following  
15 the request.

16 62. Ms. Reyes heard nothing further from Mr. Woodruff or his office, and so in January 2011 she went to Mr.  
17 Woodruff's office to inquire about the status of her application. She was shown two receipts from USCIS, but was  
18 given no other information regarding the status of her application.

19 63. Ms. Reyes subsequently called Mr. Woodruff's office at least ten times but was never able to speak to Mr.  
20 Woodruff, nor did she ever receive a return call, nor did she otherwise receive any communication from anyone on  
21 Mr. Woodruff's behalf with any form of meaningful information regarding the status of her application.

22 64. Ms. Reyes then began going to Mr. Woodruff's office approximately three times a week in an effort to speak with  
23 him or obtain some kind of meaningful update on the status of her application. She would sometimes wait for as long  
24 as five hours, but was never able to get any meaningful update.

25 65. On or about November 15, 2011, Ms. Reyes filed a complaint with the DC.

1 66. The DC determined that Mr. Woodruff had violated the MRPC, and they referred the matter to the Superior  
2 Court for disciplinary proceedings against Mr. Woodruff. The DC's investigating attorney's report is dated January  
3 27, 2012, and that attorney notes that as of the date of that report, Mr. Woodruff had not responded to his inquiries.

4 67. Mr. Woodruff's conduct as set forth above in Paragraphs 60 through 64 was a violation of MRPC 1.1,  
5 Competence, and 1.3, Diligence, in that he failed to competently and diligent pursue the application to its completion,  
6 whether a denial or an approval.

7 68. Mr. Woodruff's conduct as set forth above in Paragraphs 60 through 64 violated MRPC 1.4, Communications,  
8 in that Mr. Woodruff failed to keep his client reasonably informed of the status of her application, and in fact, appears  
9 to have actively avoided providing her any update.

10 69. Mr. Woodruff's conduct as set forth above in Paragraphs 60 through 64 violated MRPC 1.5, Fees, in that Mr.  
11 Woodruff charged and collected a fee for an immigration matter and then did not do the work, which makes his fee  
12 unreasonable.

13 70. Mr. Woodruff's conduct as set forth in Paragraph 66 also violated MRPC 8.1, Bar Admission and Disciplinary  
14 Matters, in that he failed to respond to requests for information from the DC.

15 **G. CIVIL ACTION NO. 2011-014**

16 71. Esperanza Ellis ("Ms. Ellis") retained Mr. Woodruff in 2008 to obtain Immediate Relative status for her under  
17 the then applicable CNMI Immigration laws. Ms. Ellis paid Mr. Woodruff \$400.00 in attorney's fees and \$50.00 for  
18 the processing cost.

19 72. Mr. Woodruff never processed the application.

20 73. Months later, in or about December 2008, Ms. Ellis went to CNMI Immigration and learned that no application  
21 had ever been submitted. She then paid the fee herself and obtained an Immediate Relative identification card.

22 74. Ms. Ellis again retained Mr. Woodruff on or about August 25, 2009, to represent her in applying for U.S. resident  
23 alien immigration status and in a paternity action. Ms. Ellis paid Mr. Woodruff a one-time flat fee of \$3,000.00 to  
24 cover his fees and the costs in connection with both matters. Mr. Woodruff told Ms. Ellis that \$900.00 was for fees  
25 and the balance of the \$3,000.00 was for costs, and that the processing of the resident alien application would take

1 three months.

2 75. Mr. Woodruff never filed the paternity action.

3 76. With respect to the resident alien application, Ms. Ellis was not asked at the 2009 meeting to sign any forms.

4 77. Ms. Ellis followed up with Mr. Woodruff's office in November 2009 and was told she had to go to Pacific  
5 Medical Center for an examination. She paid an additional \$400.00 to Pacific Medical Center for this examination.

6 78. Five months after the paid retainer, in January 2010, Mr. Woodruff's office asked Ms. Ellis to come to the office  
7 to sign the U.S. Immigration application forms. Over the ensuing months and on into 2011, Ms. Ellis attempted  
8 repeatedly and unsuccessfully to determine the status of her application. She first telephoned Mr. Woodruff once  
9 a week and when that was ineffective she began going to Mr. Woodruff's office once a week and waiting for up to  
10 three hours a visit in an unsuccessful effort to obtain a meaningful status report on her application.

11 79. On or about October 2, 2011, Mr. Woodruff threatened to call the police if Ms. Ellis continued to come to his  
12 office. On this date, Mr. Woodruff showed Ms. Ellis a receipt from the U.S. Post Office, and he told her that her  
13 application had been mailed to the USCIS Chicago office.

14 80. Ms. Ellis used the tracking number on the receipt to determine that the corresponding envelope had been mailed  
15 on April 14, 2011, and received on April 26, 2011.

16 81. Mr. Woodruff subsequently resubmitted the applications after learning that they had been sent to the wrong  
17 processing center, and his request for a fee waiver was denied due to a lack of diligence in processing the application  
18 in the first place.

19 82. At no time throughout the representation did Mr. Woodruff ever provide Ms. Ellis copies of the papers that had  
20 been submitted to USCIS, nor did he ever keep her reasonably informed of the status of her application.

21 83. On or about November 15, 2011, Ms. Ellis filed a complaint with the DC.

22 84. The DC determined that Mr. Woodruff had violated the MRPC, and they referred the matter to the Superior  
23 Court for disciplinary proceedings against Mr. Woodruff. The DC's investigating attorney's report is dated January  
24 27, 2012, and that attorney notes that as of the date of that report, Ms. Ellis still not been informed of the status of  
25 her application.

1 85. Mr. Woodruff's conduct as set forth above in Paragraphs 71 through 82 was a violation of MRPC 1.1,  
2 Competence, and 1.3, Diligence, in that he failed to competently and diligently do anything regarding the paternity  
3 case, and he failed to competently and diligently handle the resident alien application.

4 86. Mr. Woodruff's conduct as set forth above in Paragraphs 71 through 82 also violated MRPC 1.4,  
5 Communications, in that Mr. Woodruff failed to keep his client reasonably informed of the status of her matters, and  
6 threatened to take aggressive action by calling the police if she came to his office in order to find out the status of  
7 her application.

8 87. Mr. Woodruff's conduct as set forth above in Paragraphs 71 through 82 violated MRPC 1.5, Fees, in that Mr.  
9 Woodruff charged and collected a fee for the first immigration matter and for the paternity action and then did not  
10 do the work, which makes his fee unreasonable.

11 **H. CIVIL ACTION NO. 2012-001**

12 88. In or about July 2011, Ms. Jihyun Lee ("Ms. Lee") retained Mr. Woodruff to apply for E2-C status for herself  
13 and her three dependent children.

14 89. Ms. Lee paid Mr. Woodruff \$1,500.00 to provide these legal services.

15 90. Mr. Woodruff failed to complete the work that he was paid to perform.

16 91. On information and belief, Mr. Woodruff never completed the application, and he never submitted an application  
17 to the United States Citizenship and Immigration Service ("USCIS") for Ms. Lee.

18 92. After waiting seven months without any update from Mr. Woodruff, Ms. Lee submitted a complaint to USCIS,  
19 which forwarded the complaint to the Commonwealth of the Northern Mariana Islands Bar Association.

20 93. The DC determined Mr. Woodruff had violated the MRPC, and referred the matter to the Superior Court for  
21 disciplinary proceedings against Mr. Woodruff.

22 94. Mr. Woodruff's conduct as set forth above in Paragraphs 88 through 91 was a violation of MRPC 1.1,  
23 Competence, and 1.3, Diligence, in that he failed to competently and diligently handle the immigration work that he  
24 agreed to perform.

25 95. Mr. Woodruff's conduct as set forth above in Paragraphs 88 through 91 also violated MRPC 1.4,

1 Communications, in that Mr. Woodruff failed to keep his client reasonably informed of the status of the matter.  
2 96. Mr. Woodruff's conduct as set forth above in Paragraphs 88-91 also violated MRPC 1.5, Fees, in that he charged  
3 and collected a fee for an immigration matter and then did not do the work, which makes his fee unreasonable.

4 **I. CIVIL ACTION NO. 2012-004**

5 97. On or about July 22, 2009, Ms. Kim, Chang Sook ("Ms. Kim") retained Mr. Woodruff to assist her with an  
6 immigration matter relating to her son, and the possible setting aside of an adoption decree.

7 98. Ms. Kim paid Mr. Woodruff a fixed fee of \$1,000.00 to perform this work.

8 99. Ms. Kim was never able to determine what work Mr. Woodruff did, if any, because he never again communicated  
9 with her regarding the work that he was retained to do.

10 100. On or about January 31, 2010, Ms. Kim submitted a complaint to the Commonwealth of the Northern Mariana  
11 Islands Bar Association.

12 101. The DC determined Mr. Woodruff had violated the MRPC, and referred the matter to the Superior Court for  
13 disciplinary proceedings against Mr. Woodruff.

14 102. Mr. Woodruff's conduct as set forth above in Paragraphs 97 through 99 was a violation of MRPC 1.1,  
15 Competence, and 1.3, Diligence, in that he failed to competently and diligently handle the immigration work that he  
16 agreed to perform.

17 103. Mr. Woodruff's conduct as set forth above in Paragraphs 97 through 99 also violated MRPC 1.4,  
18 Communications, in that Mr. Woodruff failed to keep his client reasonably informed of the status of the matter.

19 104. Mr. Woodruff's conduct as set forth above in Paragraphs 97 through 99 also violated MRPC 1.5, Fees, in that  
20 he charged and collected a fee and then did not do the work, which makes his fee unreasonable.

21 **J. MRPC 8.1, BAR ADMISSION AND DISCIPLINARY MATTERS**

22 105. As of the date of the Complaint filed in this matter, Mr. Woodruff has failed to respond to inquiries for  
23 information regarding one of the above cases from the investigating attorney for the Commonwealth of the Northern  
24 Mariana Islands Bar Association. Such failure is in violation of MRPC 8.1, in that Mr. Woodruff knowingly failed  
25 to respond to a lawful demand for information from a disciplinary authority.



1 **K. MRPC 8.4, MISCONDUCT**

2 103. Based on the factual allegations underlying the nine disciplinary cases set forth above, Mr. Woodruff also  
3 violated MRPC 8.4(a), (c) and (d) in that the conduct above violated other Rules (8.4(a)), involved deceit and  
4 misrepresentations to his clients (8.4(c)) and given the series of violations, taken as a whole, has had a prejudicial  
5 effect on the administration of justice (8.4(d)).

6 **V. DISCUSSION**

7 A court must be extremely diligent in protecting and upholding the integrity and decorum of the judicial  
8 system. The public's confidence in the judicial system depends upon it. A main factor in pursuing this constant  
9 diligence is to regulate the attorneys who practice law before a court and to assure that attorneys do not engage in  
10 conduct that disparages the administration of justice. The Court finds the foregoing facts in each of the nine  
11 complaints stated above to be found by clear and convincing evidence since they are deemed admitted by Mr.  
12 Woodruff pursuant to Rule 9(c) of the Disciplinary Rules and Procedures for Persons Practicing Law in the Courts  
13 of the Commonwealth.

14 Accordingly, the Court must make an initial determination what the appropriate sanction should be for Mr.  
15 Woodruff's misconduct. Disciplinary Counsel recommends disbarment, or, in the alternative, indefinite suspension.

16 **The Court finds Mr. Woodruff's conduct and the numerous violations totally inconsistent with the**  
17 **standard of competent and diligent representation of his clients. Indeed, the Court finds Mr. Woodruff**  
18 **violated MRPC 1.1, 1.3, 1.4, and 8.4(a)(c) and (d) nine times each, MRPC 1.5 four times each, MRPC 3.1, 3.2,**  
19 **and 3.3 once each, and MRPC 8.1 once, for a total of forty-four violations of the MRPC.**

20 Such numerous and significant violations according to a review of court disciplinary matters in this  
21 jurisdiction is a record high and even in other jurisdictions is considered an extreme high. Such violations should  
22 be sanctioned in a way that reasonably assures a strong deterrence and message for members of this bar that nothing  
23 even remotely close to this number and type of violations over a period of approximately six or more years will or  
24 can be tolerated to any degree in this jurisdiction.

25 **Mr. Woodruff has a history of failing to appear as ordered, of failing to observe rules of court, of**

1 **missing deadlines, of receiving attorney's fees and application fees and then filing the applications late, in the**  
2 **wrong place, or not at all, of not communicating with clients to keep them reasonably informed of the status**  
3 **of their matters between them, of taking aggressive action toward one of his clients by threatening to call the**  
4 **police if she kept appearing at his office to inquire as to the status of her legal matter, of misrepresenting facts**  
5 **to clients such as the divorce decree for Ms. Garde, not showing up for a trial and having the case dismissed**  
6 **with prejudice, and miscellaneous other professional shortcomings as detailed above.**

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

10 Accordingly, the Court makes an initial determination that the appropriate sanction is at the very least  
11 suspension of Mr. Woodruff for a term of years along with several conditions for readmission. The Court now  
12 considers any relevant aggravating or mitigating factors. The Court has not been presented with any mitigating  
13 factors.<sup>4</sup> The Court does, however, find aggravating factors that should alter this initial determination, which are  
14 considered substantial and indicate a callous and gross indifference and disrespect for the judiciary, the general  
15 public, and the clients Mr. Woodruff agreed to represent. The Court at this time finds it proper and necessary to take  
16 judicial notice of other courts, that had to take adverse action against Mr. Woodruff for his reproachable indifference  
17 in handling court cases and clients.

18 **In the U.S. District Court for the Northern Mariana Islands there are a total of twenty-five different**  
19 **types of adverse actions taken on Mr. Woodruff for his incompetence and non-diligence, including his failure**  
20 **to appear for a trial in District Court, resulting in dismissal with prejudice. Specifically, there are five money**  
21 **sanctions by U.S. District Court for the Northern Mariana Islands for failing to appear as ordered by the**

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23 <sup>4</sup>Mr. Woodruff presented the Court with two declarations by two of the complainants in the above matters,  
24 purportedly as a meritorious defense that the charges lacked merit. Although the Court notes both complainants indicated in  
25 their declarations that they did not want to see the charges against Mr. Woodruff pursued, because the Court finds the charges  
were indeed meritorious, it declines to consider the declarations as mitigating factors. One declaration was filed on March 14,  
2013 and the other on May 15, 2013.

1 Court, eleven Orders to Show Cause why he should not be sanctioned for failure to comply with rules, for  
2 failure to prosecute, for failure to timely serve complaints, and for miscellaneous other violations of court rules  
3 and orders, and six court dismissals of cases because of failure to prosecute, in some cases three and four years  
4 after filing of complaint.

5 The Ninth Circuit of Appeals in three different cases, as detailed below, dismissed each of the cases  
6 for failure to file an opening brief.

7 The Commonwealth Supreme Court dismissed two appeals for untimely filings. This same Court  
8 during the proceedings of interim suspension had to threaten him with contempt of Court as he was not in  
9 compliance with their orders. The Commonwealth Supreme Court also noted eleven disciplinary pending  
10 complaints although this Court is proceeding on only nine of them.

11 The following list is from the U.S. District Court for the Northern Mariana Islands, the Ninth Circuit Court  
12 of Appeals, and the Commonwealth Supreme Court.

13 **A. IN THE U.S. DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS**

- 14 1. Mr. Woodruff was sanctioned \$225.00 for failing to appear at the appointed time for a scheduling conference.<sup>5</sup>  
15 2. Mr. Woodruff was sanctioned \$100.00 for failing to appear at an ordered status conference.<sup>6</sup>  
16 3. Mr. Woodruff was sanctioned \$50.00 for failing to appear at a settlement conference.<sup>7</sup>  
17 4. Mr. Woodruff was sanctioned \$175.00 for failing to appear at a settlement conference.<sup>8</sup>

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20 <sup>5</sup> See *Md. Masum, et. al. v. Island Security Services, et. al.*, Civ. No. 07-0010 (U.S. Dist. Ct. NMI Oct. 10, 2007)  
21 (Order Sanctioning Plaintiff's Counsel).

22 <sup>6</sup> See *Soriano v. Jung A Enterprises, et. al.*, Civ. No. 07-007 (U.S. Dist. Ct. NMI Apr. 9, 2008) (Order Sanctioning  
23 Plaintiff's Counsel for Failure to Appear; Granting Jung A's Motion to Withdrawn; and, Other Matters).

24 <sup>7</sup> See *Soriano v. Jung A Enterprises, et. al.*, Civ. No. 07-007 (U.S. Dist. Ct. NMI Jan. 23, 2008) (Order Imposing  
25 Monetary Sanctions on Plaintiff's Counsel and Defendant Jung A Enterprises' Counsel).

<sup>8</sup> See *Feliciano v. Eastern Hope Corp.*, Civ. No. 08-0001 (U.S. Dist. Ct. NMI Oct. 27, 2008) (Order Sanctioning  
Plaintiff's Counsel, Stephen C. Woodruff).

1 5. Mr. Woodruff was sanctioned \$225.00 for failing to appear at a status conference.<sup>9</sup>  
2 6. In one of the nine cases listed above, the Court in dismissing the case with prejudice, directed Mr. Woodruff to  
3 notify his client that his client may have a cause of action against him for failure to meet minimum professional  
4 standards.<sup>10</sup> Over a week's time prior to the trial, Mr. Woodruff contacted the court informally on several occasions  
5 in futile attempts to continue the trial because he was busy with other matters. *See id.* Finally, the night before the  
6 trial, Mr. Woodruff filed a notice that he would be unable to appear for trial because of medical reasons, and  
7 referenced an attached doctor's slip, which was not actually provided. *See id.* The court noted:

8 As in almost all of his other lawsuits in this court, Mr. Woodruff has, in this matter, missed deadlines  
9 and conferences, almost always due to "unforeseen emergencies" of a personal or professional  
10 nature. (Citations omitted). . . . The court is left with the unmistakable impression that Mr. Woodruff  
has never given his client the level of representation required to practice law in this court and, put  
simply, that he was not prepared to proceed to trial today.

11 *Id.* at 2-3.

12 7. The court granted Mr. Woodruff's ex parte motion for leave to file a third amended complaint late, but  
13 admonished Mr. Woodruff that it expected "its orders to be read, its local rules to be complied with, and deadlines  
14 to be observed."<sup>11</sup> The court also noted again Mr. Woodruff's "ever-growing history of late filings, accompanied by  
15 unsatisfactory explanations," declaring:

16 Once again, counsel has missed a deadline, and once again it's due to his "preoccupation" with other  
17 matters, his "inadvertence," and his failure to properly read, understand, and comply with an order  
18 of the court, which order included a specific time and date. Compounding these failures was  
counsel's decision not to obey the local rules and call opposing counsel for a stipulation prior to  
filing this ex parte motion, despite the court's instruction to him in its last order the he first seek such  
a stipulation in situations such as this.

19 *Id.*

20 8. Defendants were ordered to show cause why they should not be sanctioned for failure to comply with discovery

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22 <sup>9</sup> *See Alcaraz v. Hansoll Textile, Ltd., et al.*, Civ. No. 08-0003 (U.S. Dist. Ct. NMI Feb. 13, 2009) (Order  
Sanctioning Counsel for Failure to Appear Status Conference and Re-Setting Status Conference).

23 <sup>10</sup> *See Feliciano v. Eastern Hope Corp.*, Civ. No. 08-0001 (NMI Dist. Ct. Dec. 1, 2008) (Order Dismissing Lawsuit  
24 with Prejudice).

25 <sup>11</sup> *Agcaoili v. L&T Int'l Corp., et al.*, Civ. No. 06-0045 (U.S. Dist. Ct. NMI Sept. 19, 2007) (Order Granting  
Plaintiff's Counsel's Ex Parte Motion to File Late at 1-2).

1 rules by providing discovery.<sup>12</sup>

2 9. The Court granted the defendants' motion to dismiss without prejudice as Mr. Woodruff failed to timely file an  
3 opposition to the motion to dismiss, resulting in Mr. Woodruff's failure to file being deemed an admission.<sup>13</sup> The  
4 court noted:

5 In the past two years, Plaintiff's Counsel of record frequently has missed deadlines or filed  
6 incomplete pleadings in cases before this court and the Ninth Circuit Court of Appeals. In so doing,  
7 he has caused the courts and opposing parties needlessly to expend resources on litigation that he  
8 initiated and then neglected.

9 *Id.* at 2.

10 10. Plaintiffs were ordered to show cause why their lawsuit should not be dismissed for failure to serve within 120  
11 days or otherwise prosecute, as service still had not been effected seven months after the lawsuit was filed.<sup>14</sup>

12 11. Plaintiffs were ordered to show cause why their lawsuit should not be dismissed for failure to serve within 120  
13 days or otherwise prosecute, as service had still not been effected seven months after the lawsuit was filed.<sup>15</sup>

14 12. Plaintiffs were ordered to show cause why their lawsuit should not be dismissed for failure to prosecute, as the  
15 matter had been pending for more than six months without any action taken by the parties during that period of time.<sup>16</sup>

16 13. The court dismissed a case without prejudice because the plaintiff failed to explain why service of process should  
17 have been deemed effected.<sup>17</sup>

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18 <sup>12</sup> See *Orencia v. Hakshon Kang, et. al.*, Civ. No. 09-0002 (U.S. Dist. Ct. NMI May 2, 2009) (Order to Show Cause  
19 Why Sanctions Should Not be Imposed for Failure to Provide Discovery).

20 <sup>13</sup> See *Cada v. World Corp., et. al.*, Civ. No. 12-00023 (U.S. Dist. Ct. NMI Dec. 21, 2012) (Order of Dismissal  
21 without Prejudice).

22 <sup>14</sup> See *Alcaraz v. Hansoll Textile, Ltd., et. al.*, Civ. No. 08-0003 (U.S. Dist. Ct. NMI Aug. 22, 2008) (Order to Show  
23 Cause Why Lawsuit Should Not be Dismissed for Failure to Prosecute).

24 <sup>15</sup> See *Garcia v. Poong-In Saipan, Inc.*, Civ. No. 08-0017 (U.S. Dist. Ct. NMI Aug. 22, 2008) (Order to Show Cause  
25 Why Lawsuit Should Not be Dismissed for Failure to Prosecute).

<sup>16</sup> See *Garcia v. Poong-In Saipan, Inc.*, Civ. No. 08-0017 (U.S. Dist. Ct. NMI May 20, 2011) (Order Dismissing  
Case without Prejudice).

<sup>17</sup> See *Garcia v. Poong-In Saipan, Inc.*, Civ. No. 08-0017 (U.S. Dist. Ct. NMI June 20, 2011) (Order to Show  
Cause).

1 14. The Court dismissed a matter without prejudice for failure to serve and because no action had taken place, and  
2 plaintiff failed to show good cause for failure to service or to request additional time to effect service.<sup>18</sup>

3 15. The court dismissed a lawsuit with prejudice because service had not been effected for seven months since the  
4 lawsuit was filed, even though the plaintiffs were given an additional thirty days to accomplish service.<sup>19</sup>

5 16. Plaintiffs were ordered to show cause why their lawsuit should not be dismissed for failure to serve within 120  
6 days or otherwise prosecute, as service had still not been effected five months after the lawsuit was filed.<sup>20</sup>

7 17. Plaintiffs were ordered to show cause why their lawsuit should not be dismissed for failure to serve within 120  
8 days or otherwise prosecute, as service had still not been effected five months after the lawsuit was filed.<sup>21</sup>

9 18. Plaintiff was ordered to show cause why the lawsuit should not be dismissed for lack of prosecution given that  
10 the case had been pending for more than six months without any action taken by the parties during that period of  
11 time.<sup>22</sup>

12 19. Plaintiff was ordered to show cause why the lawsuit should not be dismissed for lack of prosecution given that  
13 the case had been pending for three years without any action taken by the parties since the lawsuit was filed.<sup>23</sup>

14 20. Plaintiffs were ordered to show cause why their lawsuit should not be dismissed with prejudice for lack of  
15 prosecution given that the case had been pending for four years without any activity on the docket since the complaint  
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17  
18 <sup>18</sup> See *Santos v. Winners Corp.*, Civ. No. 08-0023 (U.S. Dist. Ct. NMI Mar. 27, 2009) (Order Dismissing without  
Prejudice for Failure to Serve).

19 <sup>19</sup> See *Africa v. Commonwealth Garment Manufacturing, Inc.*, Civ. No. 08-0014 (U.S. Dist. Ct. NMI Oct. 7, 2008)  
20 (Order of Dismissal with Prejudice).

21 <sup>20</sup> See *Lachayo v. Wedding*, Civ. No. 08-0013 (U.S. Dist. Ct. NMI Aug. 22, 2008) (Order to Show Cause Why  
Lawsuit Should Not be Dismissed for Failure to Prosecute).

22 <sup>21</sup> See *Africa v. Commonwealth Garment Manufacturing, Inc.*, Civ. No. 08-0014 (U.S. Dist. Ct. NMI Aug. 22, 2008)  
23 (Order to Show Cause Why Lawsuit Should Not be Dismissed for Failure to Prosecute).

24 <sup>22</sup> See *Quitugua v. Micronesian Resort, Inc.*, Civ. No. 10-00011 (U.S. Dist. Ct. NMI July 6, 2011) (Order to Show  
Cause).

25 <sup>23</sup> See *Legaspi v. Neo Fashion, Inc.*, Civ. No. 08-00053 (U.S. Dist. Ct. NMI Dec. 30, 2011) (Order to Show Cause).

1 was filed.<sup>24</sup>

2 21. Plaintiffs were ordered to show cause why their lawsuit should not be dismissed with prejudice for lack of  
3 prosecution given that the case had been pending for almost four years without any activity on the docket since the  
4 complaint was filed.<sup>25</sup>

5 22. Plaintiffs were ordered to show cause why their lawsuit should not be dismissed with prejudice for lack of  
6 prosecution given that the case had been pending for three years without any activity on the docket since the  
7 complaint was filed.<sup>26</sup>

8 23. The Court dismissed a matter with prejudice for failure to prosecute because of the plaintiff's repeated failures  
9 to promptly pursue the matter, noting that the original complaint was not timely filed, "consistent with plaintiff's  
10 pattern of inaction in the present matter."<sup>27</sup>

11 24. The Court dismissed a matter without prejudice for lack of prosecution because the plaintiff failed to respond  
12 to a previously issued order to show cause why the case, which had been pending for three years, should not be  
13 dismissed for lack of prosecution.<sup>28</sup>

14 25. The court denied the plaintiff's motion for reconsideration, and declined to grant relief from its final order,  
15 finding Mr. Woodruff's submitted statement from his physician was insufficient given the history of the lawsuit.<sup>29</sup>

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18 <sup>24</sup> See *Acunin, et. al. v. Sam Kwang Saipan Corp., et. al.*, Civ. No. 08-00040 (U.S. Dist. Ct. NMI Feb. 27, 2013)  
(Order to Show Cause).

19 <sup>25</sup> *Choi, Byung Joon v. Jung A. Enterprises, et. al.*, Civ. No. 08-00041 (U.S. Dist. Ct. NMI Feb. 26, 2013) (Order to  
20 Show Cause).

21 <sup>26</sup> See *Sadim v. Sam Kwang Saipan Corp., et. al.*, Civ. No. 09-00037 (U.S. Dist. Ct. NMI Feb. 26, 2013) (Order to  
22 Show Cause).

23 <sup>27</sup> *Prematilaka v. Camacho, et. al.*, Civ. No. 05-0045 (U.S. Dist. Ct. NMI Aug. 10, 2006) (Order of Dismissal with  
24 Prejudice at 1-2).

25 <sup>28</sup> See *Legaspi v. Neo Fashion, Inc.*, Civ. No. 08-00053 (U.S. Dist. Ct. NMI Jan. 18, 2012) (Order of Dismissal).

<sup>29</sup> See *Feliciano v. Eastern Hope Corp.*, Civ. No. 08-0001 (NMI Dist. Ct. Dec. 19, 2008) (Order Denying Motion for  
Reconsideration).

1 **B. U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT**

2 26. The U.S. Court of Appeals for the Ninth Circuit dismissed an appeal because of Mr. Woodruff's failure to file  
3 the opening brief.<sup>30</sup>

4 27. The U.S. Court of Appeals for the Ninth Circuit dismissed an appeal for failure to prosecute because of Mr.  
5 Woodruff's failure to file the opening brief.<sup>31</sup>

6 29. The U.S. Court of Appeals for the Ninth Circuit dismissed an appeal for failure to perfect the appeal because of  
7 Mr. Woodruff's failure to file the opening brief.<sup>32</sup>

8 **C. COMMONWEALTH SUPREME COURT**

9 30. The Supreme Court of the Commonwealth of the Northern Mariana Islands dismissed an appeal for failure to  
10 prosecute because Mr. Woodruff failed to timely certify and file with the Clerk of the Supreme Court the record and  
11 transcript of proceedings and no request for extension of time had been made.<sup>33</sup>

12 31. The Supreme Court of the Commonwealth of the Northern Mariana Islands dismissed an appeal for failure to  
13 prosecute because Mr. Woodruff failed to timely prepare and file the transcript of the proceedings below.<sup>34</sup>

14 32. The Supreme Court of the Northern Mariana Islands issued an interim suspension on Mr. Woodruff, finding in  
15 part that the public would suffer irreparable harm if he continued practicing law prior to resolution of the pending  
16 disciplinary proceedings. The Court noted Mr. Woodruff had eleven complaints against him for alleged conduct  
17 ranging from lying about filing a criminal appeal to allegations of a lack of diligence due to having several cases  
18 dismissed with prejudice. The Court also noted that even in response to the application for interim suspension, Mr.

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19  
20 <sup>30</sup> See *Feliciano v. Eastern Hope Corp.*, No. 09-15167, 2009 U.S. App. LEXIS 29778 (9th Cir. Oct. 6, 2009).

21 <sup>31</sup> *Murugesan v. L & T Group of Companies, Ltd.*, Civ. No. 09-16342 (U.S. Ct. of App. 9th Cir. Mar. 4, 2010)  
22 (Order).

23 <sup>32</sup> *Pariyar v. Hong Kong Entertainment (Overseas) Investment, Ltd.*, Civ. No. 10-15449, (U.S. Ct. of App. 9th Cir.  
24 May 27, 2011) (Order).

24 <sup>33</sup> See *Aguon v. Aguon*, 2007 MP 2.

25 <sup>34</sup> *County of Orange v. Bahillo*, Civ. No. 06-0033 (NMI Sup. Ct. Oct. 17, 2007) (Order Dismissing Appeal).



1 Woodruff filed his first response late. He then filed his second response late as well, even after the Court put him  
2 on notice about untimely filing responses.<sup>35</sup>

3 33. The Supreme Court of the Northern Mariana Islands, in connection with Mr. Woodruff's interim suspension,  
4 ordered him to provide the Court a list of his clients and warned him that failure to timely comply would lead to  
5 further sanctions. Mr. Woodruff failed to timely file and the Court directed him, under penalty of civil contempt, to  
6 timely file at a later date. The Court ordered that if he failed to timely comply, he would automatically be found in  
7 contempt of court and sentenced to thirty days in jail, of which twenty-seven days would be suspended.<sup>36</sup>

## 8 **VI. CONCLUSION**

9 The Court finds its appropriate to summarize some of the general factors that determine its decision below:

- 10 ▶ nine violations of MRPC 1.1
- 11 ▶ nine violations of MRPC 1.3
- 12 ▶ nine violations of MRPC 1.4
- 13 ▶ four violations of MRPC 1.5
- 14 ▶ one violation of MRPC 3.1
- 15 ▶ one violation of MRPC 3.2
- 16 ▶ one violation of MRPC 8.1
- 17 ▶ nine violations of MRPC 8.4

18 The violations in the instant cases, again, total forty-four violations of the MRPC. The Court also notes the following  
19 aggravating factors as detailed herein:

- 20 ▶ Twenty-five different types of adverse actions and/or sanctions taken against Mr. Woodruff in the  
21 U.S. District Court for the Northern Mariana Islands for Mr. Woodruff's incompetence and non-  
22 diligence;

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23 <sup>35</sup> *In re Disciplinary Pleadings of Stephen C. Woodruff*, 2013 MP 1.

24 <sup>36</sup> *See In re Disciplinary Proceedings of Stephen C. Woodruff*, No. 2013-SLD-0001-ADA (NMI Sup. Ct. Mar. 11,  
25 2013) (Contempt Order).

- 1 ▶ Three dismissals of cases for failure to file an opening brief in the Ninth Circuit of Appeals;
- 2 ▶ Two dismissals of appeals for failure to timely file by the Commonwealth Supreme Court; and

3 The Court reiterates Mr. Woodruff's history and pattern of failing to appear as ordered, of failing to observe  
4 rules of court, of missing deadlines, of receiving attorney's fees and application fees and then filing the application  
5 late, in the wrong place, or not at all, of not communicating with clients to keep them reasonably informed of the  
6 status of their matters between them, of taking aggressive action toward at least one client who kept inquiring about  
7 her legal matter, of misrepresenting facts to clients such as the divorce decree for Ms. Garde, of not showing up for  
8 a trial and having the case dismissed with prejudice, and miscellaneous other professional shortcomings.

9 The Court finds the foregoing list of cases constitute aggravating factors, which it considers to be conduct  
10 indicating a gross indifference and disrespect for the judiciary, the legal profession, the general public, and the many  
11 clients Mr. Woodruff agreed to represent. The above establishes a pattern spanning over at least the last six or more  
12 years, in three different courts, and in front of multiple judges, who have all found Mr. Woodruff fell below the  
13 minimum standard of competence and diligence required regarding timeliness and the professional prosecution of  
14 cases and client matters.

15 In view of the foregoing aggravating factors, the Court believes Mr. Woodruff's misconduct has resulted in  
16 serious injuries to the legal profession, his clients, the public, and the legal system in general through a continued  
17 disparagement of the administration of justice and such conduct cannot be allowed to continue.

18 Standard 4.41 of the American Bar Association's Standards for Imposing Lawyer Sanctions (2005), counsels:  
19 Disbarment is generally appropriate when:

- 20 (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or (b)
- 21 a lawyer fails to perform services for a client and causes serious or potentially serious injury to a
- 22 client; or (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious
- 23 or potentially serious injury to a client.

24 ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS, STANDARD 4.41 (2005).

25 Mr. Woodruff in each of the nine cases in this action clearly falls deeply into categories (b) and (c) provided above,  
by failing to perform services for his clients, causing serious or potentially serious injury, and by engaging in a  
pattern of neglect regarding client matters, causing serious or potentially serious injuries to his clients.

1 Case law from other jurisdictions is replete with instances of disbarment for similar and even for far less  
2 egregious conduct. *See, e.g., Garrett*, 427 Md. at 228-29 (disbarment appropriate where, in nine different cases, the  
3 attorney committed multiple violations of MRPC 1.1, 1.2(a), 1.3, 1.4, 1.5(a), 1.15(a) and (d), 1.16 (d), 3.2, 8.1, and  
4 8.4(a), (c), and (d)); *Gadda v. Ashcroft*, 377 F.3d 934 (9th Cir. 2004) (disbarment appropriate based on an attorney's  
5 alleged acts of misconduct including failing to appear at court conferences, failing to keep clients apprised of the  
6 proceedings and providing ineffective assistance of counsel); *Att'y Griev. Comm'n v. Hodgson*, 396 Md. 1, 643-44  
7 (2006) (disbarment appropriate for violations of MRPC 1.3, 1.4(a), 1.4(b), 8.1(b), and 8.4(d)).

8 The Court therefore finds that its initial determination of suspension for a period of years would undermine  
9 the appropriate standards of the practice of law in the CNMI that need to be maintained. Therefore, it is this Court's  
10 opinion that the appropriate discipline in view of the foregoing findings and factors detailed herein is disbarment of  
11 Mr. Woodruff for his forty-four violations of the MRPC in this case as well as his history of other adverse actions.

12 **IT IS HEREBY ORDERED:**

13 1. Mr. Woodruff is forthwith disbarred from the Commonwealth Northern Marianas Bar.

14 2. Mr. Woodruff shall pay any costs for the prosecution of this matter. This amount shall be paid to the Court.

15 3. Mr. Woodruff shall comply with all provisions of Rule 15 of the NMI Disciplinary Rules, which includes,  
16 among other things, notices to clients and others and certifications to the Court.

17 4. Mr. Woodruff shall submit a list of current and pending clients to the Commonwealth Superior Court  
18 within thirty days of the date of this order, and shall pay to any and all clients the sum of any unearned retainer fees.

19 5. The Court adopts some of the Disciplinary Counsel's recommendations as to reimbursement for the clients  
20 involved in the disciplinary cases above:

21 a. Action 2008-008: Kenneth and Wantapha Warfle shall be refunded \$600.00 in attorney's fees.

22 b. Action 2008-012: Ambrosio v. Baing shall be refunded \$50.00 in attorney's fees, plus \$1,000.00  
23 in liquidated damages.

24 c. Action No. 2009-001: Invictus T. Feliciano shall be refunded \$300.00 in attorney's fees.





CLERK OF COURT  
SUPERIOR COURT

FOR PUBLICATION

2013 JUN 11 PM 1:00

BY   
DEPUTY CLERK OF COURT

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

IN RE THE MATTER OF:

CIVIL CASE NO. 13-0017

Disciplinary Cases

1) 2008-008; 2) 2008-12; 3) 2009-001; 4) 2009-05; 5) 2011-012; 6) 2011-013; 7) 2011-014; 8) 2012-001; 9) 2012-004

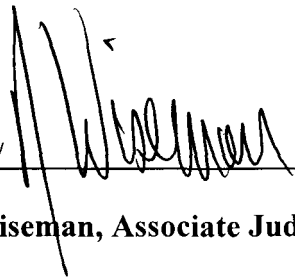
STEPHEN C. WOODRUFF

NOTICE OF ERRATA

The Court issues notice of a typographical error on page twenty-four, line twenty-five of the recently issued decision *In re the Matter of: Stephen C. Woodruff*, Civ. No. 13-0017 (NMI Super. Ct. June 7, 2013) (Disciplinary Action: Disbarment). Footnote thirty-five incorrectly cites a case as "*In re Disciplinary Pleadings of Stephen C. Woodruff*." The footnote is hereby corrected to read "*In re Disciplinary Proceedings of Stephen C. Woodruff*."

SO ORDERED this 11<sup>th</sup> day of June, 2013.

/s/



David A. Wiseman, Associate Judge

By the order of the court, Judge David A Wiseman

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