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IN THE SUPREME COURT OF GUAM

IN RE:

Supreme Court Case No. ADC 01-001

LORING E. JAHNKE,
Respondent.

ORDER

The Guam Bar Ethics Committee ("Committee") filed a Specification of Charges on August 10, 1999 against Respondent Loring E. Jahnke ("Respondent"). After Respondent failed to answer or otherwise appear within twenty days after service of the Specification of Charges against her, the Committee entered a default against Respondent on November 25, 1999. On January 17, 2001, the Committee issued its Findings of Fact and Conclusions of Law, a copy of which is attached hereto and incorporated herein as Exhibit "A." Pursuant to Rule 2 of the Supreme Court Rules for the Discipline of Attorneys, the Committee submitted a Proposed Order to this court on February 5, 2001. Notice of the Proposed Order was served on Respondent on February 7, 2001. Respondent has failed to file a statement of objections as permitted by Rule 2.

The Committee's Findings of Fact and Conclusions of Law propose to indefinitely suspend Respondent from the practice of law for a minimum of six months, commencing on the filing of this Order, and until such time as the Supreme Court determines, after a hearing with the Prosecuting Counsel present, that based upon the recommendation of a medical doctor, Respondent can adequately practice law, fulfill the fiduciary duties inherent in the practice of law and that Respondent is free of alcohol, substance abuse or any other medical, mental or emotional problem which would interfere with Respondent's practice of law.

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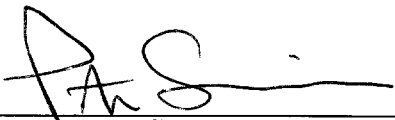
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1 Therefore, pursuant to Rule 2 of the Supreme Court Rules for the Discipline of Attorneys,
2 this court orders as follows:

- 3 1. Respondent has violated Model Rules of Professional Conduct 1.1, 1.3, and 1.4 as
4 described in the Findings of Fact and Conclusions of Law attached hereto as Exhibit
5 A.
- 6 2. Respondent is indefinitely suspended from the practice of law, but for a minimum
7 period of six months, which is pursuant to Rule 20(b)(2) of the Supreme Court Rules
8 for the Discipline of Attorneys, and shall be reinstated to the practice of law when
9 Respondent fulfills the requirement of Rule 20(d) of the Supreme Court Rules for the
10 Discipline of Attorneys and the conditions set by the Committee, which
11 recommendations this Order references and incorporates herein as Exhibit A.
- 12 3. Respondent is hereby given a public reprimand for the conduct described herein.
- 13 4. Respondent shall pay any addition costs and attorney fees incurred by the Committee
14 in this proceeding before this court.

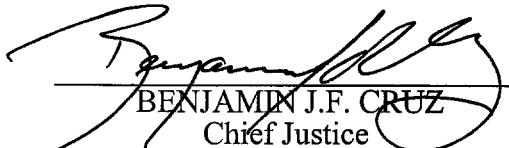
15 So **ORDERED**:

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18 _____
PETER C. SIGUENZA, JR.
Associate Justice

19 _____
F. PHILLIP CARBULLIDO
Associate Justice

20 Dated: 3-19-01

Dated: _____

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22 
BENJAMIN J.F. CRUZ
Chief Justice

23 Dated: March 16, 2001

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GUAM BAR ETHICS COMMITTEE

IN RE:)	COMPLAINT NO. EC99037
)	
)	
LORING E. JAHNKE,)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW;
Respondent.)	RECOMMENDED DISCIPLINE
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A. Introduction

On August 10, 1999, Respondent Loring E. Jahnke ("Respondent") was named in a Specification of Charges ("Specification") issued by the Guam Bar Ethics Committee ("Committee"). The Committee met and conferred, and when advised that more than twenty (20) days had passed since the service of the Specification on Respondent on August 16, 1999, and that Respondent had failed to answer or otherwise appear, the Committee executed an Entry of Default on November 25, 1999.

The Committee issues the following findings of fact, conclusions of law and recommendation for discipline.

B. Findings of Fact.

1. At the time described herein, Respondent was an attorney licensed to practice law on Guam and the Guam Model Rules of Professional Conduct ("Rule(s)") were in effect.

2. Respondent is subject to the jurisdiction of the Guam Bar Ethics Committee and of the Guam Supreme Court pursuant to Rule 3 of the Ethics Rules and Rule 1 of the Supreme Court of Guam Rules for the Discipline of Attorneys, respectively.
3. Respondent, on or about sometime in October, 1996, undertook the legal representation of the individuals Richard R. Matheny, Richard E. Mezo and Mark C. Goniwiecha (collectively "Complainants") in United States District Court Case No. 96-64, entitled *The Yasuda Fire and Marine Insurance Co., Ltd. v. Stephen Yagman, Highsmith & O'Mallan, P.C., Richard Matheny, Mark Goniwiecha, Richard Mezo, et al.*, in which Plaintiff sought interpleader and declaratory relief pursuant to the federal interpleader statute.
4. On August 5, 1996, Plaintiff Yasuda filed the Complaint.
5. On August 8, 1996, Plaintiff Yasuda filed an Amended Complaint.
6. On October 3, 1996, Defendant Mezo was served with the Summons and Amended Complaint.
7. On October 8, 1996, Defendant Highsmith & O'Mallan, P.C. ("Highsmith") filed an Answer and Cross-claim against co-defendants Matheny, Mezo, Goniwiecha and others.
8. On October 9, 1996, Defendant Matheny was served with the Summons and Amended Complaint.

9. On October 30, 1996, Defendant Goniwiecha was served with Highsmith's Answer and Cross-Claim.
10. On November 1, 1996, at a United States District Court Scheduling Conference, it was noted in the "Scheduling Conference Notes" that Respondent Jahnke was expected to be entering an appearance on behalf of Defendants Matheny, Mezo and Goniwiecha.
11. On November 29, 1996, Default was entered by the Clerk of Court against Defendants Mezo and Goniwiecha on Defendant Highsmith's Cross-claim.
12. On December 2, 1996, Respondent Jahnke filed an Answer to the First Amended Complaint on behalf of Defendants Matheny, Mezo and Goniwiecha.
13. On December 3, 1996, Default Judgment was entered on Defendant Highsmith's Cross-claim against Defendants Mezo and Goniwiecha in the amount of \$41,690.06.
14. On December 5, 1996, Respondent filed on behalf of Defendant Matheny an Answer to Defendant Highsmith's Cross-claim.
15. On February 3, 1997, Defendant Highsmith filed a Summary Judgment Motion against Defendant Matheny on Defendant Highsmith's Cross-claim.
16. On April 28, 1997, Defendant Highsmith's Summary Judgment Motion was granted.

17. Defendant Matheny failed to file an opposition to Summary Judgment as noted in a Court order dated April 28, 1997 granting the motion against Defendant Matheny.
18. On April 29, 1997, Judgment was entered in the Summary Judgment Motion against Defendant Matheny.
19. After Defendant Matheny became aware of the default judgments entered against himself, Mezo and Goniwiecha, he met with Respondent who advised him that she would either file a Motion for Reconsideration and/or appeal the Default Judgments.
20. On May 29, 1997, Respondent filed a Notice of Appeal for Defendants Matheny, Mezo and Goniwiecha appealing the April 29, 1997 Judgment and the April 28, 1997 Order upon which the Judgment was based, and the May 8, 1997 Order, by which Order the Court disbursed \$27,063.12 to Defendant Highsmith on the latter's cross-claim.
21. Respondent requested from the Court of Appeals an extension of time within which to file a brief on three separate occasions, two of which were granted.
22. On January 26, 1998, the Ninth Circuit dismissed the appeal for failure of appellants to perfect the appeal.
23. During the period of representation, Complainants attempted over twenty-five (25) times to contact Respondent by personal visits, by telephone, by letters, both regular and certified, and by facsimile.

24. Respondent failed to respond in a reasonable manner and within a reasonable time to such inquiries from Complainants.
25. Respondent failed to keep Complainants apprised of the status of their cases.

C. Conclusions of Law

1. Respondent violated Rule 1.1, **COMPETENCE**, which provides that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
2. Respondent violated Rule 1.3, **DILIGENCE**, which provides that a lawyer shall act with reasonable diligence and promptness in representing a client.
3. Respondent violated Rule 1.4, **COMMUNICATION**, which provides that (a) a lawyer shall keep a client reasonably informed about the status of the matter and promptly comply with reasonable requests for information and, (b) a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

D. Mitigation

The committee finds nothing which would mitigate the charges. The Respondent has failed to respond to the Specification, in spite of being personally served with such.

E. Recommended Discipline

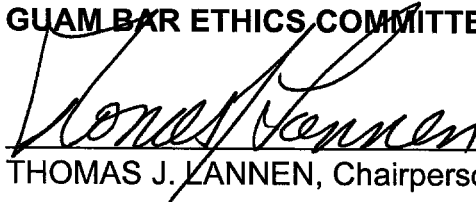
1. Respondent is indefinitely suspended from the practice of law, but for a minimum period of six (6) months, which is pursuant to Rule 20(b)(2) of the Supreme Court of Guam Rules for the Discipline of Attorneys, commencing on the effective date of this discipline, and until such time as the Supreme Court determines, after a hearing with prosecuting counsel present, that based upon the recommendations of the licensed medical provider, Respondent can adequately practice law, fulfill the fiduciary duties inherent in the practice of law and that Respondent is free of substance abuse.
2. Respondent shall undergo immediate counseling with a licensed medical provider who shall be approved by order of the Supreme Court of Guam.
3. As a condition to Item Nos. 1 and 2, said medical provider shall evaluate Respondent, counsel her in an appropriate fashion should the evaluation reveal such counseling is necessary and, if necessary, conduct alcohol and drug screening. The medical provider should file written reports with the Supreme Court of Guam every six (6) months should counseling and/or treatment be warranted. Respondent shall bear the costs of all medical provider fees.
4. Respondent shall be reinstated to the practice of law, assuming all other conditions are met, if and when the medical provider recommends that the Respondent can adequately practice law, fulfill the fiduciary duties inherent in

the practice of law and that Respondent is free of alcohol, substance abuse or any other medical, mental or emotional problem which would interfere with Respondent's practice of law, and Respondent fulfills the requirements of Rule 20(d).

5. Respondent shall return any attorney's fees paid by Messrs. Richard R. Matheny, Richard E. Mezo and Mark C. Goniwiecha. These amounts shall be paid within six (6) months of the effective date of this discipline.
6. Respondent shall remain suspended until such amounts are paid.
7. Respondent shall bear all costs of this litigation. Hearing counsel shall submit an itemized breakdown of costs incurred by the Committee in prosecuting this matter.
8. If reinstated, Respondent shall be on probation for two (2) years.
9. Respondent shall comply with all applicable provisions of Rule 18 of the Guam Rules for the Discipline of Attorneys (Revised March 11, 1998).

GUAM BAR ETHICS COMMITTEE

Date: 1-9-01


THOMAS J. LANNEN, Chairperson

Date: 1-17-01


ANA MARIA GAYLE, Member

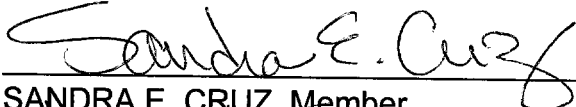
**Findings of Fact and Conclusions
of Law; Complaint No. EC99037
In Re: Loring E. Jahnke
January 5, 2001
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Date: 1/17/01



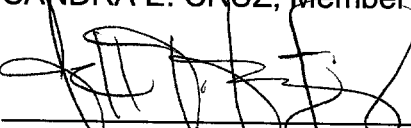
MITCHELL F. THOMPSON, Member

Date: Jan 17, 2001




SANDRA E. CRUZ, Member

Date: 1/17/01



LORETTA T. GUTIERREZ-LONG, Member

Date: 1/17/01



ARTHUR R. BARCINAS, Member