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SUPREME COURT
OF GUAM

IN THE SUPREME COURT OF GUAM

IN RE:)	Supreme Court Case No.ADC10-005
)	
STEPHANIE FLORES,)	
)	JUDGMENT
Respondent.)	

This matter comes before the court on an Amended Petition and Stipulation for Discipline by Consent, filed January 28, 2011, by Petitioner Guam Bar Ethics Committee, by and through its Prosecuting Counsel, together with Respondent Stephanie Flores, appearing *pro se*. Respondent acknowledges that this court may impose discipline based on her admissions notwithstanding the terms of the Amended Petition and Stipulation.

This court has the authority to preside over attorney disciplinary actions through the Organic Act of Guam at 48 USC § 1424-1(a)(7), Title 7 GCA § 9101, and pursuant to its Rules for the Discipline of Attorneys. Based on the facts as stipulated in the Amended Petition, which are incorporated herein, the court finds that Respondent Stephanie Flores is a resident of Guam and an attorney currently licensed to practice law in Guam, and that Respondent committed misconduct by violating the Guam Rules of Professional Conduct as adopted by this court on September 29, 2003 and memorialized through its Promulgation Order 04-002 on February 11, 2004.

Having considered the facts and circumstances as stipulated by the parties, and having heard argument on the matter, the court now issues the following Judgment.

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ORIGINAL

1 1. Respondent shall immediately be **SUSPENDED FROM THE PRACTICE OF**
2 **LAW FOR AN INDEFINITE PERIOD OF TIME, BUT NOT LESS THAN TWO (2)**
3 **YEARS**, with all but sixty (60) days suspended on the condition that she successfully complete a
4 probationary period as set forth in paragraph 2, and further based on the conditions provided
5 herein:

6 a. Respondent shall make full and prompt restitution, through the office of
7 Prosecuting Counsel, within ninety (90) days of the date of Judgment, in the total amount of
8 \$10,417.00 as follows:

- 9 i. EC07-006: \$1,500.00
- 10 ii. EC08-009: \$2,050.00
- 11 iii. EC08-017: \$1,000.00
- 12 iv. EC08-018: \$560.00
- 13 v. EC09-018: \$307.00
- 14 vi. EC10-035: \$5,000.00

15 If the rightful recipients of any such restitution amounts cannot be located after due diligent
16 efforts by Prosecuting Counsel with the assistance of Respondent, which shall promptly be
17 provided by Respondent upon request by Prosecuting Counsel, such amounts may be converted
18 to a monetary fine under Rule 12(a)(5) of the Supreme Court of Guam's Rules for the Discipline
19 of Attorneys. Prosecuting Counsel shall file notice with the court upon determining that such
20 conversion is recommended regarding any restitution funds. If such funds are converted to a fine
21 and the rightful recipient(s) of the restitution amounts, not later than two (2) years from the date
22 of the Judgment, come(s) forward, Prosecuting Counsel shall submit a request to the court that
23 the fine be converted back to restitution and provided to the rightful recipient.

24 b. In no event shall Respondent seek full reinstatement to the practice of law
in Guam by the Supreme Court of Guam until such time as all restitution described in paragraph
1(a) above has been paid in full. Within thirty (30) days of the final restitution payment, the

1 Prosecuting Counsel shall file a statement with the court certifying that such restitution has been
2 successfully paid by Respondent.

3 c. Because the discipline herein is for an indefinite period of suspension,
4 Respondent may only seek reinstatement to the practice of law through petition pursuant to Rule
5 20(b)(2) of the Supreme Court of Guam's Rules for the Discipline of Attorneys.

6 d. Respondent has stipulated and agreed in the Amended Petition that the
7 misconduct described therein is the only misconduct she has engaged in prior to the filing of the
8 Amended Petition, that no further misconduct will be engaged in during the period of probation
9 and suspension, and that, during the period of probation in this matter, upon the Guam Bar Ethics
10 Committee's determination of probable cause that misconduct has occurred with regard to any
11 additional ethics complaints that may be lodged against Respondent while this matter remains
12 open, regardless of whether the alleged facts transpired before or after the issuance of this
13 Judgment, the confidentiality of such new matter(s) is expressly waived thereafter by
14 Respondent insofar as the court's consideration of the possible revocation of probation and the
15 Guam Bar Ethics Committee therefore may, at its discretion, immediately cause the matter to be
16 brought before this court for the possible revocation of probation notwithstanding the fact that
17 formal Specification of Charges may also be filed with the Adjudicative Panel of the Guam Bar
18 Ethics Committee regarding the additional alleged misconduct.

19 e. Respondent shall file a report with this court within seven (7) days of the
20 date of this Judgment advising the court of efforts taken to protect the interests of herself or her
21 clients, including seeking the assistance of an attorney or attorneys to inventory her files or take
22 such action necessary for the protection of Respondent and her clients. The court will thereafter
23 determine, based on this report, whether it will appoint counsel pursuant to Rule 19 of the Rules
24 for the Discipline of Attorneys.

f. Respondent shall provide a copy of the Judgment in this matter, within ten
(10) days of its issuance, to all existing clients and all courts and bar associations in any other
jurisdictions in which Respondent is licensed to practice law. So long as this matter remains

1 open, Respondent shall also provide a copy of the Judgment to all new clients with whom she
2 establishes an attorney/client relationship within ten (10) days of the creation of that relationship.
3 Respondent shall provide each client with contact information for the office of Prosecuting
4 Counsel. Respondent shall also immediately comply with Rule 18 of the Rules for the Discipline
5 of Attorneys to the extent applicable.

6 g. Respondent shall reimburse the Judiciary of Guam through the office of
7 Prosecuting Counsel for all costs related to the investigation and prosecution of the various
8 matters addressed in the Amended Petition, including attorney fees for Prosecuting Counsel's
9 time, in the total amount of \$6,000.00. Such amount shall be paid after all restitution described
10 in paragraph 1(a) above has been paid, but in no event shall such be paid later than one hundred
11 and twenty (120) days from the entry of Judgment herein.

12 h. Public notice of the Judgment in this matter shall, within thirty (30) days
13 of Judgment, be published once in the Pacific Daily News newspaper and once in the Marianas
14 Variety newspaper here in Guam with coordination of such publication to be handled by
15 Prosecuting Counsel, who shall submit proof of publication to Respondent who shall then
16 reimburse the Judiciary of Guam through the office of Prosecuting Counsel for the costs relative
17 to such publications within one hundred and twenty (120) days.

18 i. Respondent shall enter into an express written fee agreement in each and
19 every attorney/client relationship to which she becomes a party, from and after the date of
20 Judgment herein, consistent with Rule 1.5 of the Guam Rules of Professional Conduct.

21 j. Respondent shall take and pass the Multistate Professional Responsibility
22 Exam ("MPRE") within one (1) year of the date of this Judgment. Respondent shall be
23 responsible for informing Prosecuting Counsel of her compliance.

24 2. Respondent is herein immediately suspended from the practice of law as
contemplated in paragraph 1 for a period of not less than two (2) years, with all but sixty (60)
days deferred pursuant to Rule 12(b) of this court's Rules for the Discipline of Attorneys.
Respondent shall serve a **PERIOD OF PROBATION OF NOT LESS THAN THREE (3)**

1 **YEARS NOR MORE THAN FOUR (4) YEARS**, subject to Respondent's compliance with all
2 terms and conditions expressly enumerated below. The Guam Bar Ethics Committee may, at any
3 time during the probationary period, file a motion seeking revocation of probation and immediate
4 imposition of suspension from the practice of law as contemplated in paragraph 1 for any
5 material noncompliance with the terms of this Judgment and on any grounds it determines
6 reasonably support such motion. Such motion shall be determined by this court in its discretion
7 and on a briefing and argument schedule, if needed, to be established by the court. The terms of
8 probation that shall apply to Respondent during such probationary period shall be as follows:

8 a. Respondent shall comply with all terms of suspension set out in paragraph
9 1 above.

10 b. If any payments contemplated in the Amended Petition and incorporated
11 herein are not made by Respondent in a timely manner, such non-payment may result in
12 revocation of probation upon submission to the court by the Guam Bar Ethics Committee of
13 notice of such noncompliance and a petition for the revocation of probation. Before revoking
14 probation, the court shall cause to be served upon Respondent an order to show cause why the
15 petition should not be granted and require Respondent to appear before the court on a date not
16 less than ten (10) days following service of the order to show cause and petition, unless a shorter
17 time is ordered by the court. At any time prior to the hearing, Respondent may file an answer to
18 the petition.

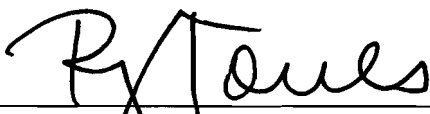
18 c. At any time during her period of probation, upon the request of the Guam
19 Bar Ethics Committee or Prosecuting Counsel, Respondent shall cooperate with scheduling and
20 attending meetings with Prosecuting Counsel or with the Guam Bar Ethics Committee to discuss
21 the then-current nature of her practice to include workload matters, trial scheduling, office
22 staffing issues, etc., with the mutual understanding by the parties that such requirement shall be
23 enforced reasonably by the Guam Bar Ethics Committee and shall respect the confidentiality of
24 matters between Respondent and her clients.


d. Such period of probation shall be for not less than three (3) years and not


1 more than four (4) years. Respondent must petition the Supreme Court of Guam for full
2 reinstatement to the practice of law. Respondent shall not petition the court for full reinstatement
3 until at least three (3) years of probation have been served. However, if Respondent has not
4 filed such petition for full reinstatement within four (4) years of the date of this Judgment, the
5 period of probation shall automatically end and Respondent shall thereafter be suspended
6 pursuant to paragraph 1 until such time as she successfully petitions the court for full
7 reinstatement from such suspension. If suspension is invoked in this manner following a four
8 year period of probation, Respondent may thereafter seek full reinstatement at any time and need
9 not remain suspended for at least two years as otherwise contemplated by paragraph 1 herein.

9 e. Respondent shall submit written reports to the office of Prosecuting
10 Counsel describing in detail Respondent's then-current workload and shall provide information
11 regarding matters of public record such as lawsuits Respondent is involved in on behalf of any
12 clients before any courts or tribunals in Guam. Such reports shall be signed by Respondent and
13 shall include a statement from Respondent reaffirming her commitment to abiding by the terms
14 of probation. The first such report shall be filed within thirty (30) days of this Judgment.
15 Subsequent written reports shall be filed every sixty (60) days during the first year of probation,
16 and then quarterly thereafter. Such quarterly reports shall be due within two weeks after each
17 calendar quarter ends, beginning one year from the date of this Judgment.

18 **SO ORDERED** this 8th day of February, 2011.

19 
20 _____
21 ROBERT J. TORRES
22 Associate Justice

19 
20 _____
21 KATHERINE A. MARAMAN
22 Associate Justice

21 
22 _____
23 F. PHILIP CARBULLIDO
24 Chief Justice