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Supreme Court of Guam, Clerk of Court

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IN THE SUPREME COURT OF GUAM

IN RE:) Supreme Court Case No.ADC17-013

)
)
)
LOUIE J. YANZA,)
)

JUDGMENT

Respondent Louie J. Yanza, having entered into a Stipulated Agreement for Discipline by Consent (“Stipulated Agreement”), a copy of which is attached, pursuant to Rule 17 of the Supreme Court of Guam Rules for the Discipline of Attorneys, as a full and complete resolution of Disciplinary Proceeding EC12-017, and the Adjudicative Panel of the Bar of Guam’s Professional Ethics and Unauthorized Practice of Law Committee having stipulated to the disposition, pursuant to Rule 17(b)(1)(i), the court hereby **ORDERS** as follows:

1. The Stipulated Agreement is acknowledged;
2. The terms of the Stipulated Agreement are adopted and incorporated herein; and
3. Counts 1, 2, and 3 of the Amended Specification of Charges are dismissed with prejudice.

LAW OFFICE OF PETER C. PEREZ
DNA Building, Suite 802
238 Archbishop Flores Street
Hagåtña, Guam 96910
Telephone (671) 475-5055

Attorney for Respondent
Louie J. Yanza

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SUPREME COURT
OF GUAM

**BEFORE THE ADJUDICATION PANEL OF THE
BAR OF GUAM'S PROFESSIONAL ETHICS AND UNAUTHORIZED
PRACTICE OF LAW COMMITTEE**

ADC17-013

IN RE:

LOUIE J. YANZA,

Respondent.

LAWYER DISCIPLINE MATTER EC12-017

**STIPULATED AGREEMENT FOR
DISCIPLINE BY CONSENT**

[UNDER SEAL]

Pursuant to Rule 17(a)(2) of the Supreme Court of Guam, Rules for the Discipline of Attorneys, Respondent, Louie J. Yanza, Esq. ("Attorney") conditionally agrees to enter into the following Stipulated Agreement for Discipline by Consent ("Agreement") as a full and complete resolution of this Disciplinary Proceeding, EC12-017. Attorney and the Adjudicative Panel of the Guam Bar Association Ethics Committee ("Adjudicative Panel") stipulate:

1. Attorney has been an active member of the Guam Bar Association since July 3, 1995, has had no prior discipline imposed, and is subject to the jurisdiction of the Supreme Court of Guam and the Guam Bar Association Ethics Committee.
2. Pursuant to Rule 17(a)(2), Attorney hereby tenders this Agreement, for purposes of expediting the resolution of this matter, to reduce the costs, fees, and inconvenience associated therewith, and in consideration for the terms and conditions contained herein, declaring his intention not to contest the allegations contained in the Amended

ORIGINAL

Specification of Charges, Count 4, Criminal Conduct – Assault (As a Misdemeanor) pursuant to 9 G.C.A. § 19.30(a)(1) and (e), as a violation of GRCP 8.4(b).

3. Attorney enters into this Agreement for the limited and express purpose of resolving this Disciplinary Proceeding, only. This Agreement shall not bind, limit, deprive, or in any manner whatsoever restrict Attorney from exercising his rights, claims, or defenses in any other judicial proceedings. Attorney specifically reserves the right to dispute and challenge the allegations including as contained in the Amended Specification of Charges in any other judicial proceeding. Attorney's Agreement to not contest certain allegations under the terms of this Agreement shall not constitute any waiver, admission, or forfeiture of any rights, claims, or defenses in any other judicial proceeding. Attorney reserves the right to object to the admissibility of this Agreement in any other judicial proceeding other than in another lawyer discipline matter in Guam regarding Attorney. For the avoidance of any doubt, the term "judicial proceeding" shall include but not be limited to any other attorney ethics, administrative, civil, or criminal proceedings in any jurisdiction, anywhere in the universe.
4. Pursuant to Rule 17(a)(2), Attorney does not contest the allegations contained in Amended Specification of Charges, Count 4 (*Criminal Conduct – Assault as a Misdemeanor*), that on or about October 26, 2011, in Guam, Attorney assaulted Robert Dodd Plew, in violation of 9 G.C.A. § 19.30(a)(1) and (e), as a violation of GRCP 8.4(b).
5. Attorney denies all other counts, allegations, and facts stated in the Amended Specification of Charges.

6. Attorney has not been previously disciplined in his capacity as a Guam lawyer, and these are the first formal allegations of misconduct against Attorney.
7. Attorney and the Adjudicative Panel agree to a Stipulated Discipline, as follows:
 - (a) Attorney shall be suspended from the practice of law for a period of 9 (nine) months.
This suspension shall be stayed for a period of 9 (nine) months. As Attorney's suspension shall be stayed, Attorney shall not be required to provide Rule 18 notice.
 - (b) Attorney shall be placed on probation for a period of 9 (nine) months.
 - (c) During the probation period Attorney shall also (i) pay the total sum of \$14,000.00 (fourteen-thousand dollars) to the Judiciary of Guam as an assessment pursuant to Rule 10 as reimbursement for the costs of investigation and prosecution of this Disciplinary Proceeding, the costs of any publication, and any other costs at the following rate: \$4,000.00 payable within thirty (30) days of entry of judgment, \$2,000.00 payable within ninety (90) days thereafter, another \$2,000.00 payable within another ninety days thereafter, and the remaining balance payable on or before the expiration of probation; (ii) shall obey all local and federal laws; and (iii) shall comply with the Guam Rules of Professional Conduct.
 - (d) After 7 months of probation have passed but before 8 months of probation have passed, Attorney shall file a report with the Supreme Court of Guam, which shall be a public document, regarding his probationary status. Prosecuting Counsel may, but shall not be required to, file a similar report.
 - (e) If at the end of the probationary period, provided Attorney has provided the report required by paragraph 7(d) and has fully complied with the terms of probation, and absent a Court order to the contrary, the probation shall automatically terminate; and

- (f) Upon termination of probation, the suspension of Attorney's ability to practice law, although stayed, shall also terminate.
8. Upon execution of this Agreement, the Agreement shall be filed under seal with the Supreme Court of Guam, together with the Amended Specification of Charges in the form attached hereto as Exhibit A, for entry of a Judgment in the form attached hereto as Exhibit B incorporating the terms hereof, without further hearing, pursuant to Rule 17(b)(1)(i) of the Supreme Court of Guam, Rules for the Discipline of Attorneys.
 9. Upon entry of a Judgment by the Supreme Court of Guam incorporating the terms hereof, all other charges contained in the Amended Specification of Charges shall be dismissed with prejudice.
 10. This Agreement is entered into under seal and shall remain confidential until entry of a Judgment by the Supreme Court of Guam incorporating the terms hereof. Upon entry of said Judgment, the Judgment, this Agreement and the Amended Specification of Charges in the form attached hereto as Exhibit A, shall be unsealed and public.
 11. Thereafter, pursuant to Rule 12(d) Prosecuting Counsel will publish one time only in the Guam Post, a Notice of Attorney Discipline in the form attached hereto and incorporated herein as Exhibit C.
 12. The Adjudicative Panel accepts the above terms of this Agreement and discipline outlined herein.

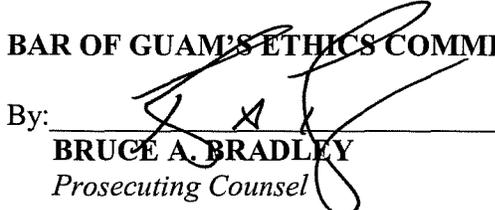
Stipulated this ____ day of August, 2017.

By: 

LOUIE J. YANZA, ESQ.
Respondent

Dated: 8/8/17

BAR OF GUAM'S ETHICS COMMITTEE

By: 

BRUCE A. BRADLEY
Prosecuting Counsel

Dated: 8-8-17

LAW OFFICE OF PETER C. PEREZ

By: 

PETER C. PEREZ, ESQ.
Attorney for Respondent

Dated: 8/9/17

THE ADJUDICATIVE PANEL

By: 

WILLIAM L. GAVRAS
Chairman

Dated: 8-8-17

EXHIBIT “A”

BRUCE A. BRADLEY, ESQ.
Prosecuting Counsel for the Bar of Guam's
**PROFESSIONAL ETHICS AND UNAUTHORIZED
PRACTICE OF LAW COMMITTEE**
Office of the Guam Bar Ethics Prosecutor
Judicial Center Building, Second Floor
Hagåtña, Guam 96910

**BEFORE THE ADJUDICATION PANEL OF THE
BAR OF GUAM'S PROFESSIONAL ETHICS AND UNAUTHORIZED
PRACTICE OF LAW COMMITTEE**

IN RE:)	Lawyer Discipline Matter EC12-017
)	
LOUIE J. YANZA,)	AMENDED SPECIFICATION
)	OF CHARGES
Respondent.)	
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The Investigative Panel of the Professional Ethics and Unauthorized Practice of Law Committee ("Ethics Committee"), by and through its Prosecuting Counsel **BRUCE A. BRADLEY**, hereby submits Amended Specification of Charges against **LOUIE J. YANZA** (hereinafter "Respondent") pursuant to Rule 20 of the Guam Bar Ethics Committee's Rules of Procedure for Disciplinary Proceedings ("Committee Rules") as promulgated by the Supreme Court of Guam.

JURISDICTIONAL ALLEGATIONS

Respondent is an attorney first admitted to the Bar of Guam in 1995 who has been so admitted as an active member during all times relevant to this matter. As such, Respondent is subject to the jurisdiction of the Supreme Court of Guam and the Ethics Committee pursuant to Rule 1 of the Supreme Court of Guam Rules for the Discipline of Attorneys ("Court Rules"). Respondent is also subject to the jurisdiction of the Ethics Committee pursuant to Committee Rule 3.

Respondent's misconduct alleged herein occurred on or after October 26, 2011. The current Guam Rules of Professional Conduct ("GRPC") as adopted by the Supreme Court of Guam through its Promulgation Order 04-002 have been in effect and applicable to Respondent since prior to October 2011.

CHARGES

It is hereby alleged that Respondent engaged in the following misconduct subjecting him to discipline pursuant to the applicable rules of the Supreme Court of Guam:

COUNT 1

(Criminal Conduct – Felony Aggravated Assault)

1. On or about Wednesday, October 26, 2011 at about 6:00 - 8:00 p.m. Respondent was a patron at Sawadee bar on Marine Drive in Tamuning, Guam. Also present, among others, were Robert Dodd Plew (“Plew”), [REDACTED] and [REDACTED].

2. At about 8:00 p.m. a physical altercation occurred between Respondent and Plew who is significantly larger than Respondent. [REDACTED], and [REDACTED] were outside the front of the bar when the altercation began. Although Plew was the aggressor, at some point Respondent punched Plew in the face. At another point Respondent picked up a pool stick and swung it over his head as if to hit Plew but it caught the tiles of the drop ceiling. [REDACTED] re-entered the bar while the altercation was occurring and, with assistance from others, separated Respondent and Plew.

3. For approximately 5-10 minutes following the altercation Respondent remained near the front door of the bar with [REDACTED] while Plew sat at a table, in a chair, facing away from the bar area. [REDACTED] and [REDACTED] sat with Plew. During that 5-10 minute period [REDACTED] and [REDACTED] re-entered the bar and learned about the altercation between Respondent and Plew. [REDACTED] and [REDACTED] then went outside the front of the bar again.

4. After [REDACTED] and [REDACTED] exited the front door of bar and approximately 5-10 minutes after the altercation ended, and with a clear and unobstructed path out the front door of the bar which he could have taken with no risk of harm, Respondent approached Plew from behind and struck him in the head with a glass mug. The mug shattered, lacerating Plew’s head. Plew began bleeding and Respondent immediately left the bar with [REDACTED].

5. Two Guam Police Department (“GPD”) officers soon arrived on the scene. Plew explained to officer [REDACTED] that Respondent struck him in the head from behind with a glass. Officer [REDACTED] interviewed the bartender, [REDACTED]. She told him she saw Respondent approach Plew and strike him with a glass.

6. Plew was treated at the Guam Memorial Hospital that night. Thirteen (13) staples were needed to treat the approximate 4-inch gash on his head.

7. By reason of the above Respondent engaged in misconduct as follows:

Commission of a criminal act under the laws of Guam reflecting adversely on Respondent’s honesty, trustworthiness or fitness as a lawyer in violation of GRPC 8.4(b) to wit: felony aggravated assault.

Aggravated Assault (Title 9 GCA § 19.20):

“(a) A person is guilty of aggravated assault if he either recklessly causes or attempts to cause:

(1) serious bodily injury to another in circumstances manifesting extreme indifference to the value of human life;

(2) serious bodily injury to another;

(3) bodily injury to another with a deadly weapon.

(b) Aggravated assault under Paragraph (1) of Subsection (a) is a felony of the second degree; aggravated assault under Paragraphs (2) or (3) or Subsection (a) is a felony of the third degree; provided that any person convicted of aggravated assault shall not be eligible for work release or educational programs outside the confines of prison.”

COUNT 2

(Criminal Conduct – False Statements to Guam Police Department & Witness Tampering)

8. Paragraphs 1-6 above are re-alleged and incorporated herein as if restated in full.

9. On or about Friday, October 28, 2011, about two days after the Sawadee bar incident, Respondent visited the Tumon Police Koban accompanied by his lawyer [REDACTED] and [REDACTED] to meet with officer [REDACTED]. Respondent and his lawyer are both experienced criminal defense lawyers.

10. Respondent provided a written statement on a Guam Police Department form over his signature. The form included the statement, “the above is true and correct to the best of my knowledge and belief.” Respondent explained in his written statement that he was at the

Sawadee bar on the evening of October 26, 2011, that he was involved in an altercation with Plew, and that Plew was the aggressor. Respondent falsely claimed that Plew also assaulted [REDACTED], that Plew was choking [REDACTED] at the moment Respondent struck Plew, and that Respondent's action in striking Plew was necessary to defend [REDACTED] and/or to defend himself. Officer [REDACTED] signed the form as a witness however Respondent's lawyer [REDACTED] did not do so.

11. [REDACTED] provided a written statement on a similar Guam Police Department form over his signature. [REDACTED] also falsely claimed that Plew was choking him at the moment Respondent struck Plew in the head. Officer [REDACTED] signed [REDACTED]'s form as a witness as well.

12. By reason of the conduct outlined above Respondent engaged in the following misconduct:

- a. commission of felony and/or misdemeanor criminal acts under the laws of Guam reflecting adversely on Respondent's honesty, trustworthiness or fitness as a lawyer in violation of GRPC 8.4(b) including the following:

(1) Falsifying Evidence; Title 9 GCA § 52.55:

"A person is guilty of a felony of the third degree if, believing that an official proceeding has been or is about to be instituted, he prepares, offers in evidence or uses any record, document or thing, knowing it to be false and with intent to mislead a public servant who is or may be engaged in the proceeding."

(2) Making a False Report; Title 9 GCA § 55.25:

"A person commits a misdemeanor who:

- (a) knowingly gives false information to any law enforcement officer with intent to induce such officer to believe that another person has committed an offense;*
- (b) reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur, or*
- (c) makes a report which purports to furnish law enforcement authorities with information relating to an offense or incident when he knows that he has no such information."*

(3) Obstructing Governmental Functions; Title 9 GCA § 55.45:

"A person commits a misdemeanor if he intentionally obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of

official duty, or any other unlawful act, except that this Section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.”

(4) Unsworn Falsifications; Title 9 GCA § 52.30:

“A person is guilty of a misdemeanor if, with intent to mislead a public servant in performing his official function, he makes, submits or uses:

(a) any written false statement of his own which he does not then believe to be true; or

(b) any physical object, exhibit, writing or drawing which he knows to be either false or not what it purports to be in the circumstances in which it is made, submitted or used.”

(5) Tampering With a Witness; Title 9 GCA § 52.50:

“A person is guilty of a misdemeanor if he attempts to induce any person to give false testimony in or to withhold testimony from any official proceeding to which he has been or may be properly called as a witness, or to fail to attend any official proceeding to which he has been lawfully called as a witness.”

- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of GRPC 8.4(c) by providing a false written report to the Guam Police Department inaccurately describing the Sawadee bar incident as self-defense or defense-of-another and enlisting San Agustin to do the same;
- c. engaging in conduct that is prejudicial to the administration of justice in violation of GRPC 8.4(d) by providing a false written report to the Guam Police Department inaccurately describing the Sawadee bar incident as self-defense or defense-of-another and enlisting San Agustin to do the same.

COUNT 3

(False Statement to Investigating Authority)

13. Paragraphs 8-11 above are re-alleged and incorporated herein as if restated in full.

14. On December 11, 2015, Prosecuting Counsel served a Request for Information on Respondent’s counsel pursuant to GRPC 8.1(b) seeking information relevant to the investigation of this matter. On February 18, 2016 Respondent’s counsel responded. The response included a separate letter also dated February 18, 2016 signed by Respondent. Respondent’s letter explained his recollection of the October 26, 2011 Sawadee bar incident. Respondent’s letter falsely claimed that Plew was choking [REDACTED] at the moment Respondent struck Plew necessitating Respondent’s action in striking Plew.

15. By reason of the above conduct Respondent engaged in the following misconduct:

- a. failing to maintain the integrity of the legal profession in violation of GRPC 8.1(b) by providing a false written statement to Prosecuting Counsel inaccurately describing the Sawadee bar incident in an attempt to justify his actions as self-defense or defense-of-another.
- b. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of GRPC 8.4(c) by providing a false written statement to Prosecuting Counsel inaccurately describing the Sawadee bar incident in an attempt to justify his actions as self-defense or defense-of-another; and
- c. engaging in conduct prejudicial to the administration of justice in violation of GRPC 8.4(d) by providing a false written statement to Prosecuting Counsel inaccurately describing the Sawadee bar incident in an attempt to justify his actions as self-defense or defense-of-another.

COUNT 4

(Criminal Conduct – Assault as a Misdemeanor)

16. On or about Wednesday, October 26, 2011 at about 6:00 - 8:00 p.m. Respondent was a patron at Sawadee bar on Marine Drive in Tamuning, Guam. Also present, among others,

were Robert Dodd Plew (“Plew”),

and

17. At about 8:00 p.m. a physical altercation occurred between Respondent and Plew who is significantly larger than Respondent. and were outside the front of the bar when the altercation began. Although Plew was the aggressor, at some point Respondent punched Plew in the face. At another point Respondent picked up a pool stick and swung it over his head as if to hit Plew but it caught the tiles of the drop ceiling. re-entered the bar while the altercation was occurring and, with assistance from others, separated Respondent and Plew.

18. For approximately 5-10 minutes following the altercation Respondent remained near the front door of the bar with while Plew sat at a table, in a chair, facing away from the bar area. and sat with Plew. During that 5-10 minute period

█ and █ re-entered the bar and learned about the altercation between Respondent and Plew. █ and █ then went outside the front of the bar again.

19. After █ and █ exited the front door of bar and approximately 5-10 minutes after the altercation ended, and with a clear and unobstructed path out the front door of the bar which he could have taken with no risk of harm, Respondent approached Plew from behind and struck him in the head with a glass mug. The mug shattered, lacerating Plew's head. Plew began bleeding and Respondent immediately left the bar with █.

20. Two Guam Police Department ("GPD") officers soon arrived on the scene. Plew explained to officer █ that Respondent struck him in the head from behind with a glass. Officer █ interviewed the bartender, █. She told him she saw Respondent approach Plew and strike him with a glass.

21. Plew was treated at the Guam Memorial Hospital that night. Thirteen (13) staples were needed to treat the approximate 4-inch gash on his head.

22. By reason of the above Respondent engaged in misconduct as follows:

Commission of a criminal act under the laws of Guam reflecting adversely on Respondent's honesty, trustworthiness or fitness as a lawyer in violation of GRPC 8.4(b) to wit: assault as a misdemeanor.

Assault (Title 9 GCA § 19.30):

"(a) A person is guilty of assault if he:

- (1) either recklessly causes or attempts to cause bodily injury to another;
- (2) recklessly uses a deadly weapon in such a manner as to place another in danger of bodily injury; or
- (3) by physical menace intentionally puts or attempts to put another in fear of imminent bodily injury.

(b) ...

(c) ...

(d) ...

(e) Any other assault is a misdemeanor."

NAMES AND ADDRESSES OF WITNESSES

The names and addresses of all known witnesses against Respondent are as follows:

Louie J. Yanza
Yanza Flynn Timblin, LLP
One Agana Bay, Suite 201
446 East Marine Corps Dr.
Hagatna, Guam 96910

Robert Dodd Plew
P.O. Box 9099
Tamuning, Guam 96931

[REDACTED]

Prosecuting Counsel reserves the right to amend the list of witnesses and their addresses should more information or witnesses become known.

