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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 Nos. ADC10-005
)	ADC12-002
STEPHANIE FLORES,)	
)	
Respondent.)	

ORDER

This matter comes before the court on Regulation Counsel’s Motion For Order Re: Contempt and For Sanctions, filed May 13, 2024. The court held a hearing on the motion on June 11, 2024, at which Regulation Counsel Alicia Limtiaco and Respondent Stephanie Flores were present. The court filed an Order After Hearing deferring its ruling on the motion for 45 days and setting forth certain obligations on the part of both Regulation Counsel and Respondent Flores. This Order now issues to dispose of that motion.

I. Factual and Procedural Background

Respondent Stephanie Flores has two open attorney discipline matters before this court—ADC10-005 and ADC12-002—which encompassed 21 ethics complaints¹ brought before the Guam Bar Ethics Committee (GBEC).² On July 19, 2012, the court granted Respondent Flores’s application to resign from the practice of law, which became effective immediately upon issuance

¹ ADC10-005 dealt with six separate disciplinary complaints: EC07-006, EC08-009, EC08-017, EC08-018, EC09-018, and EC10-035. ADC12-002 dealt with 15 separate disciplinary complaints: EC11-005, EC11-006, EC11-007, EC11-008, EC11-009, EC11-011, EC11-013, EC11-016, EC11-017, EC11-024, EC11-028, EC11-029, EC12-013, EC11-039, and EC12-016.

² At the time these cases were filed, attorney discipline matters were handled by the Guam Bar Ethics Committee, represented by Prosecuting Counsel. The Supreme Court adopted changes to the entire attorney discipline system through its promulgation of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings, effective August 1, 2021, which created the Comprehensive Lawyer Regulatory System and the Office of Regulation Counsel to replace the duties formerly performed by the GBEC and Prosecuting Counsel. See PRM21-002-01 (Mar. 16, 2021), amended by PRM21-001-02 (May 6, 2024).

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1 of the order. *See* Order, ADC12-002 (July 19, 2012) (listing Respondent’s various ethics
2 complaints and admissions). The Order Re: Resignation noted Respondent’s prior discipline
3 in ADC10-005, where Judgment was entered on February 8, 2011, relative to six ethics
4 complaints. Under the February 8, 2011 Judgment, Respondent was to comply with all
5 terms and conditions enumerated, including disciplinary sanctions imposed, restitution,
6 reporting, cooperation, and payment of specified costs. *See* Judgment, ADC10-005 (Feb.
7 8, 2011). The July 19, 2012 Order, in referencing ADC10-005, set forth the order of
8 payment to the 15 named victims in ADC12-002, “separate and apart from, and thus in
9 addition to, those incidents of misconduct already adjudicated and addressed by this court’s
10 February 8, 2011, Judgment in ADC10-005,” including assessment of costs and expenses
11 incurred by the Judiciary of Guam and the GBEC. *See* Order at 3, 12-14, ADC12-002
12 (July 19, 2012).

13 Respondent admitted to violating these provisions of the Guam Rules of
14 Professional Conduct:

15 **GRPC 1.1 Competence.** A lawyer shall provide competent representation to a client.

16 **GRPC 1.3 Diligence.** A lawyer shall act with reasonable diligence and promptness in
17 representing a client.

18 **GRPC 1.4 Communication.** (a) A lawyer shall: . . . (3) keep the client reasonably informed
19 about the status of the matter; and (4) promptly comply with reasonable requests for
20 information.

21 **GRPC 1.5 Fees.** (a) A lawyer shall not make an agreement for, charge, or collect an
22 unreasonable fee or an unreasonable amount for expenses.

23 **GRPC 3.3 Candor Toward the Tribunal.** (a) A lawyer shall not knowingly: (1) make a
24 false statement of fact or law to a tribunal

25 *See* Order, ADC12-002 (July 19, 2012).

26 On August 25, 2017, Prosecuting Counsel for the GBEC filed a Status Report and
27 Request for Status Hearing in ADC12-002, based on Respondent’s non-compliance with
28 this court’s February 8, 2011, and July 19, 2012 orders, seeking the court’s intervention.
See Status Rpt. & Req. for Status Hr’g (Aug. 25, 2017). The court ordered Respondent to

1 show cause in writing why she should not be sanctioned for failure to comply with the
2 court's orders for payment of restitution, fees, and costs, including the initiation of contempt
3 proceedings. *See* Order, ADC12-002 (Sept. 13, 2017). On October 9, 2017, in ADC12-002,
4 Prosecuting Counsel filed a Motion for Order to Show Cause Re: Contempt and to Show
5 Cause Why A \$500 Monthly Payment Plan Should Not Be Ordered. *See* Mot. Order Show
6 Cause Re: Contempt & Show Cause Why \$500 Monthly Payment Plan Should Not Be Ordered
7 (Oct. 9, 2017). The court ordered Respondent to appear and to show cause why she should not be
8 held in contempt for failing to comply with this court's past orders regarding payment of
9 restitution, fees, and costs and for failing to respond to this court's September 13, 2017 order to
10 show cause and to show cause why a \$500 monthly payment plan should not be imposed. *See*
11 Order to Show Cause, ADC12-002 (Oct. 13, 2017).

12 The court issued its Order After Hearing, noting the two prior orders of the court: (1) the
13 order of February 8, 2011, issued in ADC 10-005, in which a judgment of discipline was issued
14 against Respondent, and Respondent was ordered to pay \$10,417.00 in restitution and \$6,000.00
15 in costs and fees; and (2) the order of July 19, 2012, issued in ADC12-002, in which Respondent
16 was ordered to pay \$85,867.00 in restitution and \$7,500.00 in costs and fees. In its Order After
17 Hearing, the court stated:

18 Based on the representations made in open court, the court will not hold Flores in
19 contempt at this time nor will it, at this time, impose sanctions for her failure to
20 comply with court orders. Further, based on the payment plan offered by Flores,
21 and accepted by Prosecuting Counsel, the court hereby ORDERS Respondent
22 Stephanie Flores to pay the amount of \$200.00 every two weeks beginning
November 1, 2017, to the Financial Management Division of the Judiciary of Guam
with notice to Prosecuting Counsel of each payment.

23 *See* Order After Hr'g, ADC12-002 (Oct. 26, 2017). Regulation Counsel's instant Motion For
24 Order Re: Contempt and For Sanctions was filed because of Respondent's sporadic and
25 inconsistent payments, which have come nowhere near bringing her current with her payment
26 schedule. *See* Mot. (May 13, 2024).

II. Analysis

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2 Regulation Counsel, in consultation with, and with the authorization of, the Investigative
3 Committee of the Comprehensive Lawyer Regulatory System, moved for an order of contempt
4 and sanctions against Respondent. *See* Mot. (May 13, 2024). As is evident from the lengthy
5 factual and procedural history of the two underlying attorney discipline cases against Respondent,
6 the regulatory authorities have, more than once, come before the court seeking the court's
7 assistance and intervention because of Respondent's failure to comply with the orders of this court
8 relative to payments of restitution and related costs stemming from the judgments issued against
9 her in the two matters. The court and Regulation Counsel (and formerly, Prosecuting Counsel of
10 the GBEC) gave Respondent opportunities to become current with her payments based on her
11 purported extenuating circumstances, which she stated on the record, and have declined to hold
12 her in contempt or otherwise impose sanctions. *See, e.g.*, Order After Hr'g, ADC12-002 (Oct.
13 26, 2017).

14 The same is true of the hearing on June 11, 2024, on Regulation Counsel's motion for
15 contempt and sanctions. At this hearing, Respondent expressly told the court that she was setting
16 up wage assignments with the Department of Administration, so that \$200.00 would be deducted
17 every two weeks from her Government of Guam paycheck and assigned to the Judiciary of Guam
18 for payment toward her judgments. *See* Digital Recording at 9:28:35 (Hr'g Mot. For Order Re:
19 Contempt & For Sanctions, June 11, 2024). Respondent stated that she was securing the means to
20 pay in full all amounts that were outstanding before the start of her wage assignment, which was
21 supposed to begin no later than the pay period ending within two weeks following the hearing.
22 *See id.* at 9:35:43–9:36:30. Based on these representations, Regulation Counsel agreed not to
23 pursue the relief requested in her motion at that time and to instead give Respondent the
24 opportunity to comply with the prior judgments and orders of this court. *See id.* at 9:37:37–
25 9:37:57.

26 The court's Order After Hearing deferred its decision on contempt and sanctions and gave
27 Respondent yet another opportunity to comply with this court's long-standing orders. The Order
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1 After Hearing also set forth both Respondent's and Regulation Counsel's obligations following
2 the hearing, stating:

- 3 1. The court will defer its decision on the Motion Re: Contempt and For Sanctions
4 for 45 days;
- 5 2. Regulation Counsel shall file with this court an updated amount that remains
6 outstanding as of June 15, 2024, reflecting payments from Respondent Flores
7 based on the court's October 16, 2017, order that Respondent Flores pay the
8 amount of \$200.00 every two weeks beginning November 1, 2017, to the
9 Financial Management Division of the Judiciary of Guam;
- 10 3. Respondent Flores shall file proof with this court of a wage assignment from
11 the Department of Administration to the Judiciary of Guam toward the
12 previously ordered payment of \$200.00 every two weeks, and the wage
13 assignment shall commence no later than the pay period ending within two
14 weeks of this order;
- 15 4. Respondent Flores shall, within 45 days of this order, file proof of payment on
16 all outstanding scheduled payments, up through the start of her prospective
17 wage assignment, in the amount confirmed by Regulation Counsel;
- 18 5. The court will issue its order on the Motion for Order Re: Contempt and For
19 Sanctions after 45 days from this order if Respondent Flores fails to comply
20 with Paragraphs 3 and 4 of this order.

21 Order After Hr'g (June 13, 2024).

22 Regulation Counsel filed a status report on Respondent's payment obligations and balances
23 up through June 15, 2024. *See* Status Rpt. (June 21, 2024); Decl. Mardave Toledo (June 21, 2024).
24 Respondent did not submit proof of wage assignment or proof of payment on all outstanding
25 obligations. The deadlines for Respondent to do so have passed. According to the terms of the
26 Order After Hearing, the court now addresses the Motion For Order Re: Contempt and For
27 Sanctions. *See* Order After Hr'g ¶ 5.

28 The Judiciary of Guam's Financial Management Division confirmed that no payments have
been received, either directly from Respondent or through her payroll deductions, since March
2023. *See* Decl. Mardave Toledo (June 21, 2024). As of June 15, 2024, the amount that should
have been paid had Respondent kept up with her payment schedule was \$34,600.00; however, of
that, Respondent has paid only \$5,357.00, representing only 26 of the 173 ordered scheduled

1 payments between November 1, 2017, and June 15, 2024. Therefore, the balance of \$29,243.00
2 represents the amount that Respondent conveyed to the court she would pay off, in full, within 30
3 days of the hearing, and then the rest of her judgments would be paid by prospective wage
4 assignments that she also expressly told the court she was already in the process of setting up with
5 the Department of Administration. *See* Digital Recording at 9:28:35–9:36:30 (Hr’g Mot. For
6 Order Re: Contempt & For Sanctions). Neither of these happened. Respondent’s total remaining
7 obligation still owed on the judgments in ADC10-005 and ADC12-002 is \$105,638.86
8 (\$110,995.86 judgments amount, less \$5,357.00 paid). *See* Decl. Mardave Toledo (June 21, 2024).

9 The court finds that Respondent has shown a penchant for making representations to the
10 court about her payment plans and then consistently failing to either keep up with those plans or
11 to make arrangements with Regulation Counsel to adjust those plans. *See, e.g.*, Mot. at 9 (detailing
12 Regulation Counsel’s efforts between December 2022 and February 2024 to work with
13 Respondent, which, despite multiple follow-up letters, Respondent did not respond to or
14 acknowledge) (“Respondent has repeatedly failed to respond to the requests of Regulation Counsel
15 and the Investigative Committee.”). *See In re Disciplinary Action against Pitera*, 827 N.W.2d
16 207, 211 (Minn. 2013) (per curiam) (“We have repeatedly stated that ‘noncooperation with the
17 disciplinary process, by itself, may warrant indefinite suspension and, when it exists in connection
18 with other misconduct, noncooperation increases the severity of the disciplinary sanction.’”
19 (citation omitted)). Thus, the court must now consider imposing the relief sought by Regulation
20 Counsel—namely, to find Respondent in contempt of court, to authorize a writ of execution, and
21 to disbar Respondent from the practice of law in Guam. *See* Mot. at 9-11.

22 Over a decade ago, because of the 21 ethics complaints brought against her in ADC10-005
23 and ADC12-002, Respondent chose to resign from the Guam bar, consented to the suspension of
24 her license to practice law, and reached a stipulation with then-Prosecuting Counsel as to the terms
25 of the judgments. In the intervening years since the issuance of the judgments and orders
26 confirming her payment obligations, Respondent has displayed a disregard for the orders of this
27 court; failed to take actions she represented to the court she would take; failed to make restitution
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1 obligations to the clients who trusted her and whom she wronged, despite being employed.³
2 Although the court and then-Prosecuting Counsel did not pursue disbarment years ago when the
3 matters were adjudicated, the circumstances warrant that consideration now.

4 The Ohio Supreme Court, in an order disbaring one of its attorneys, made the following
5 statement about why disbarment was warranted:

6 In this case, respondent has engaged in a continuous course of conduct
7 involving deceit, misappropriation of clients' funds, neglect of clients' cases,
8 failure to account for fees, failure to make restitution, and failure to cooperate in
9 the investigation of this misconduct. Respondent's repeated misconduct
demonstrates that he is not fit to practice law. Indeed, we have disbarred attorneys
for similar misconduct.

10 *Toledo Bar Ass'n v. Mason*, 118 Ohio St. 3d 412, 2008-Ohio-2704, 889 N.E.2d 539, at ¶ 32 (per
11 curiam). The same statement may be made by this court about Respondent Flores. After having
12 her legal license suspended for violating the rules of professional responsibility, she continues to
13 repeatedly flout the orders of this court and fail to meaningfully pay down her financial
14 obligations—to which she stipulated—toward client restitution and related costs. While the court
15 may be sympathetic to the reasons Respondent has advanced why she has neglected her obligations
16 under this court's orders of discipline, the court will not let these orders be disregarded indefinitely.
17 It has become clear that Respondent has not prioritized her obligations to her former clients and to
18 the court under the judgments and orders entered against her, nor does she appreciate the gravity
19 of neglecting to do so. *See State ex rel. Okla. Bar Ass'n v. Miller*, 2020 OK 4, ¶ 40, 461 P.3d 187,
20 202 (“Even considering the Respondent's mitigation evidence . . . , the totality of her misconduct
21 is disturbing. It is our difficult duty to withdraw a license to practice law but we shall if necessary
22 to protect the interest of the public and the legal profession as a whole.”).

23 Under the authority to preside over attorney disciplinary actions through the Organic Act
24 of Guam at 48 U.S.C.A. § 1424-1(a)(7), to issue orders in aid of our supervisory and original
25 jurisdiction under 48 U.S.C.A. § 1424-1(a)(1), (3), and (4), and under Rule 10 of the Guam Rules
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27 ³ The court takes judicial notice of the Government of Guam Staffing Pattern, which lists Respondent Flores
28 as Special Assistant (Guam State Clearinghouse Director) with a salary of \$95,000.00 per annum. *See*
<https://governor.guam.gov/staffing/> (last visited Aug. 12, 2024).

1 of Lawyer Disciplinary Enforcement and Disability Proceedings, with Respondent having been
2 given notice and an opportunity to be heard, the court now **GRANTS** Regulation Counsel’s
3 Motion For Order Re: Contempt and For Sanctions, and **ORDERS** that:

- 4 1. Respondent Stephanie Flores is in contempt of court for repeatedly violating the
5 judgments and orders of this court in ADC10-005 and ADC12-002;
- 6 2. Respondent Stephanie Flores is **DISBARRED** from the practice of law in Guam,
7 effective immediately (*see* Rule 27(e) of the Guam Rules of Lawyer Disciplinary
8 Enforcement and Disability Proceedings);
- 9 3. A separate Judgment will issue for the total amounts unpaid by Respondent for
10 restitution, costs, and sanctions;
- 11 4. The Superior Court of Guam is directed to take actions necessary to collect the
12 monetary judgment, including but not limited to the issuance of a writ of execution as
13 requested in Regulation Counsel’s Motion For Order Re: Contempt and For Sanctions,
14 under 7 GCA § 23103, Rule 69 of the Guam Rules of Civil Procedure, and all other
15 applicable statutes and rules;
- 16 5. Regulation Counsel is authorized to take whatever steps are necessary to initiate or
17 facilitate such action before the Superior Court; and
- 18 6. Respondent Stephanie Flores, being found in contempt of court, is monetarily
19 sanctioned \$1,000.00, which shall be paid to the Supreme Court of Guam after all other
20 restitution and related costs already adjudged against her have been satisfied.

21 **SO ORDERED** this 13th day of August, 2024.

22 _____
 23 /s/
F. PHILIP CARBULLIDO
 Associate Justice

22 _____
 23 /s/
KATHERINE A. MARAMAN
 Associate Justice

25 _____
 26 /s/
ROBERT J. TORRES
 Chief Justice