



By the order of the court, Judge David A Wiseman

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FOR PUBLICATION



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**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)
STEPHEN C. WOODRUFF,	)	2009-05; 5) 2011-012; 6) 2011-013; 7) 2011-
	)	014; 8) 2012-001; 9) 2012-004
)	
Respondent.	)	ORDER RE: DISTRIBUTION OF
	)	MONIES PER DISCIPLINARY ORDERS
)	
	)	ORDER PARTIALLY GRANTING
	)	RESPONDENT'S REQUESTS FOR
	)	RELIEF
)	

INTRODUCTION

1. Disbarment Order

This disciplinary matter has been pending for over three years, first commencing in February 2013. On June 7, 2013, this Court entered a default judgment against Respondent, Stephen C. Woodruff, and ordered him be disbarred in a 28-page order. Specifically, the Court ordered the following:

1. Woodruff is forthwith disbarred from the Commonwealth Northern Marianas Bar.
2. Woodruff shall pay any costs for the prosecution of this matter. This amount shall be paid to the Court.
3. Woodruff shall comply with all provisions of Rule 15 of the NMI Disciplinary Rules, which includes, among other things, notices to clients and others and certifications to the Court.
4. Woodruff shall submit a list of current and pending clients to the Commonwealth Superior Court within thirty days of the date of this

1 order, and shall pay to any and all clients the sum of any unearned
2 retainer fees.

- 3 5. The Court adopts some of the Disciplinary Counsel's
4 recommendations as to reimbursement for the clients involved in the
5 disciplinary cases above:
6 a. Action 2008-08: Kenneth and Wantapha Warfle shall be refunded
7 \$600.00 in attorney's fees.
8 b. Action 2008-012: Ambrosio V. Baing shall be refunded \$50.00 in
9 attorney's fees, plus \$1,000.00 in liquidated damages.¹
10 c. Action No. 2009-001: Invictus T. Feliciano shall be refunded \$300.00
11 in attorney's fees.
12 d. Action 2009-005: Honorio G. Cambronero shall be refunded \$100.00
13 in attorney's fees for the labor case that was dismissed with prejudice
14 due to Mr. Woodruff's misconduct.
15 e. Action 2011-012: Emily Santos Garde shall be refunded \$300.00 of
16 the \$1,200.00 in attorney's fees.
17 f. Action No. 2011-013: Ana E. Reyes shall be refunded \$500.00 of the
18 \$2,510.00 in attorney's fees.
19 g. Action No. 2011-014: Esperanza Ellis shall not be compensated due
20 to her signed declaration indicating she did not want to see Mr.
21 Woodruff pursued.
22 h. Action No. 2012-001: Jihyun Lee shall not be compensated due to her
23 signed declaration indicating she did not want to see Mr. Woodruff
24 pursued.
25 6. Disciplinary Counsel in this matter shall submit his attorney's fees
and costs of prosecution within fifteen days of this Order.

2. Money Held by the Court Pending Resolution of the Lawsuit

Following the issuance of the disbarment order, the Court ordered Woodruff to assign funds to the Court to satisfy his resulting payment obligations, pending resolution of the instant disciplinary action. Woodruff entered into the assignment contract with this Court. The assignment states that, on April 15, 2014, Woodruff, the assignor, irrevocably assigned \$29,747 to the Commonwealth of the Northern Mariana Islands Superior Court, the assignee. No disbursements have been made from this account as of date.

¹ The Court reviewed the case history and finds that basis for the \$1,000 in liquidated damages was unsupported. Therefore, in the Court's monies disbursement order, Ambrosio V. Bang will only be refunded \$50 in attorney's fees.

1 **3. Attorney's Fees Granted to the Former Disciplinary Counsel**

2 To date, this Court has issued three rulings as to attorney's fees and cost awards to the former
3 disciplinary counsel, Thomas E. Clifford. On October 15, 2013, the Court awarded \$14,389 in attorney's fees
4 and costs to Attorney Clifford for his services up to said date. On October 25, 2013, the Court further
5 awarded \$660 in attorney's fees and costs to Attorney Clifford. The last attorney's fees and costs award was
6 granted on November 5, 2015, where the Court awarded \$12,620 to Attorney Clifford. Said award was
7 issued to Attorney Clifford on account of the termination of his services as disciplinary counsel, which came
8 as a result of a ruling by the Supreme Court. *In re Woodruff*, 2013 MP 1. To date, the Court has awarded by
9 court order a total of \$27,669 in attorney's fees and costs to Attorney Clifford.

10 **4. Supreme Court Opinion and Mandate**

11 In an opinion issued on December 9, 2015, the Supreme Court affirmed this Court's disbarment
12 order. *In re Woodruff*, 2015 MP 11 ¶ 1. Woodruff filed for a petition for rehearing, which was subsequently
13 denied. A mandate was issued, and jurisdiction returned to this Court on January 29, 2016.

14 **5. Motions Filed and the January 30, 2016 Order**

15 Following the mandate, Woodruff filed three motions in this Court, later withdrawing his motion
16 to request disposition for an earlier request for ruling. Woodruff requests the following relief: (1) to vacate
17 the Court's November 5, 2015 judgment order, granting attorney's fees to Attorney Clifford in the amount
18 of \$12,620; (2) to amend the Court's October 13, 2015 attorney's fees and costs award from \$14,389 to
19 \$6,120; and (3) to authorize distribution of funds to three of Woodruff's former clients.

20 On January 30, 2016, the Court ordered a expedited briefing schedule from Woodruff and
21 disciplinary counsel, George L. Hasselback. After which, the Court stated that it would issue its ruling
22 without a hearing.

23 Based on briefs filed by the parties and the applicable law, the Court hereby **PARTIALLY**

1 **GRANTS** Woodruff's requests for relief, by amending the Court's attorney's fee and costs order of
2 November 5, 2015 from awarding \$14,389, to awarding \$6,120. It also **VACATES** the Court's November
3 5, 2015 attorney's fees and cost order. The Court also hereby **ISSUES** a monies disbursement order to satisfy
4 court-ordered obligations to Woodruff's former clients and for Attorney Clifford's attorney's fees and costs.
5 Finally, the Court **ISSUES** an order for attorney's fees and costs to Attorney Clifford in the amount of
6 \$12,620, subject to further review by the Court upon any objections by Woodruff or responses by the former
7 disciplinary counsel.

8 **DISCUSSION**

9 **A. The October 15, 2013 Attorney's Fees and Costs Order.**

10 Woodruff argues that the October 15, 2013 judgment order awarding attorney's fees and costs should
11 be amended because Attorney Clifford's award was limited to the Court's finding in its October 2, 2013
12 ORDER RE: CONTEMPT. In the contempt order, the Court found that the accumulated attorney's fees and
13 costs until October 15, 2013 was limited to what was stated in footnote 1, page 4 of said order: that "The
14 cost of prosecution has been approved by the Court in the sum of \$6,120.00."

15 Therefore, the Court is persuaded that the \$14,389 figure is improper. The Court amends its October
16 15, 2013 judgment order to reflect the correct amount of \$6,120.²

17 **B. The November 15, 2015 Attorney's Fees and Costs Order.**

18 Woodruff also argues that the November 15, 2015 attorney's fees and costs order should be vacated
19 because he was not afforded a meaningful opportunity to contest the attorney's fees and cost award of
20 \$12,620. The \$12,620 figure comprises of the combined attorney's fees and costs as billed to Invoice
21

22 ² Woodruff does not state an objection to the \$6,120 attorney's fees and cost award to Attorney Clifford. To the extent
23 that Woodruff seeks a conditional court finding (to an amount he agrees with) in exchange for a waiver of any future objections
24 to the \$6,120 award, the Court is not inclined to reconsider its earlier findings with respect to this issue as stated.
25

1 Numbers 3057³ and 3058⁴. In its attorney's fees and costs order, the Court found that the \$12,620 award was
2 reasonable.

3 The Court takes judicial notice that Woodruff has not had an opportunity to review the contested
4 invoices pursuant to Rule 19(c) of the Disciplinary Rules and Procedures for Persons Practicing Law in the
5 Courts of the Commonwealth, as effective on July 24, 1999.⁵ Accordingly, the Court vacates its November
6 15, 2015 attorney's fees and costs order. The Court attaches Invoice Numbers 3057 and 3058 to the instant
7 order and allows Woodruff an opportunity to raise his objections on expedited basis as to the \$12,620 award,
8 and also allows Attorney Clifford to make a special appearance in order to file a response. Allowing former
9 Disciplinary Counsel to contest Woodruff's objections is proper under due process principles requiring
10 notice and a meaningful opportunity to be heard before any deprivation of a property right takes place.
11 *Premier Ins. Co., Inc. v. Commonwealth Dep't of Labor*, 2012 MP 16 ¶ 8.

12 Therefore, at this time, the Court orders that Attorney Clifford be awarded the combined amount of
13 \$6,780.⁶ Pursuant to Rule 8(a), payment to the former disciplinary counsel shall be paid by the Court and
14 the CNMI Bar Association in equal shares—the respective amount of \$3,390.

15 On the remaining issue of awarding \$12,620 to Attorney Clifford for his services, Woodruff and the
16 former disciplinary counsel may be heard on this matter, but only to the extent of the \$12,620 attorney's fee
17 and costs award. The Court will not entertain any other issue outside of said attorney's fees and costs.
18

19
20 ³ Billed in the amount of \$4,420 for work done between the periods of February 5, 2014–September 19, 2014 for
Disciplinary Case 2012-03.

21 ⁴ Billed in the amount of \$8,200 for work done between the periods of February 7, 2014–August 26, 2014 for
22 Disciplinary Case Nos. 2008-008; 2008-012; 2009-001; 2009-005; 2011-012; 2011-013; 2011-014; 2012-001; 2012-004.

23 ⁵ The Disciplinary Rules have since been amended, effective February 14, 2015.

24 ⁶ As decided in the amended October 15, 2013 order (\$6,120) and October 25, 2013 order (\$660).
25

1 **C. Authorized Distribution of Monies.**

2 The Court next turns to the issue of Woodruff's request to authorize distribution of monies to three
3 of his former clients. Woodruff seeks disbursement of monies to Kenneth and Wanlapa Warfle⁷, Emily
4 Santos Garde,⁸ and Ana E. Reyes.⁹ The requested disbursement money amounts are the same as found in
5 the disbarment order. However, if monies are to be disbursed to Woodruff's former clients, the Court must
6 disburse the monies in accordance with the findings and rulings in this disciplinary matter.

7 Accordingly, the Court issues the following order disbursing monies from the \$29,747 currently held
8 by the Court. Said disbursement shall be made in accordance with the disbarment order, as to six of
9 Woodruff's former clients, and as ordered in the Court's November 22, 2013 ORDER AFTER HEARING,
10 authorizing disbursement of \$200 through Ms. Eileen Wisor, for the account of Mr. Kazinori Nakamura.¹⁰

11 The Court also orders disbursement of \$3,000 to Mr. Frank Cepeda, in accordance with the findings
12 made subsequent to issuance of the November 22, 2013 order.¹¹ The Court further orders disbursement of
13 \$3,390, respectively, to both the CNMI Bar Association and to this Court, pursuant to Rule 8(a).

14 **D. Matters Dealing with the Merits of Woodruff's Disciplinary Case.**

15 The Court notes that in his motion and in his reply brief, Woodruff appears to argue the merits of
16 his disciplinary case. Woodruff is reminded that he no longer has standing to contest issues of liability. To
17 the extent that Woodruff argues that the Court's previous factual findings are erroneous—those arguments
18 are disregarded as immaterial. Woodruff is further reminded that the Supreme Court affirmed the Court's

19 ⁷ In the amount of \$600.

20 ⁸ In the amount of \$300.

21 ⁹ In the amount of \$500.

22 ¹⁰ The Court has since corrected the former client's name. The November 22, 2013 order misspells Mr. Nakamura's name
as Nakamura Kazinori.

23 ¹¹ The Court's ruling on this matter was once made in the Order of Distribution, issued on June 26, 2014, but later vacated
24 on July 18, 2014. The basis for vacating the order, among other reasons, was Woodruff's appeal of the Court's disbarment order
25 that was then-pending in the Supreme Court.

1 disbarment order in full. Woodruff is hereby instructed to not raise arguments in future filings that are
2 related to the merits of his disciplinary case, unless the Court instructs otherwise.

3 **E. Disbursement Order.**

4 Accordingly, and based on counsels' arguments in the briefs, a review of the case history, and the
5 applicable law, the Court hereby **ORDERS** the following distribution of monies as to each Disciplinary Case
6 initiated against Woodruff; for distribution of monies according to subsequent findings made in compliance
7 with the disbarment order; and for court-ordered attorney's fees and costs to Attorney Clifford, excluding
8 those attorney's fees and costs billed to Invoice Numbers 3057 and 3058:

9 (a) The Clerk of Court shall issue checks from the \$29,747 held by the Court pending resolution of
10 the lawsuit as follows:

- 11 1. In connection with Disciplinary Case No. 2008-0008, and based on this
12 Court's June 7, 2013 disbarment order, a check in the amount Six Hundred
13 Dollars (\$600) to Kenneth and Wanlapa Warfle, 425 Neptune Ave, Encinitas,
14 CA 92024.
- 15 2. In connection with Disciplinary Case No. 2008-012, and based on this
16 Court's June 7, 2013 disbarment order, a check in the amount of Fifty Dollars
17 (\$50) to Ambrosio V. Baing, PMB 1634 PO Box 10005, Saipan, MP 96950.¹²
- 18 3. In connection with Disciplinary Case No. 2009-001, and based on this
19 Court's June 7, 2013 disbarment order, a check in the amount of Three
20 Hundred Dollars (\$300) to Invictus T. Feliciano, PO Box 504279, Saipan,
21 MP 96950.
- 22 4. In connection with Disciplinary Case No. 2009-005, and based on this
23 Court's June 7, 2013 disbarment order, a check in the amount One Hundred
24 Dollars (\$100) to Honorio G. Cambroner, PO Box 504279, Saipan, MP
25 96950.
- 26 5. In connection with Disciplinary Case No. 2011-012, and based on this
27 Court's June 7, 2013 disbarment order, a check in the amount of Three
28 Hundred Dollars (\$300) to Emily Santos Garde, PO Box 503250, Saipan, MP
29 96950.

¹² As stated in footnote 1 of this ORDER, Ambrosio V. Baing is only entitled to \$50 in reimbursement for attorney's fees.

- 1 6. In connection with Disciplinary Case No. 2008-012, and based on this
2 Court's June 7, 2013 disbarment order, a check in the amount of Five
3 Hundred Dollars (\$500) to Ana E. Reyes, PO Box 502286, Saipan, MP
4 96950.
5 7. In connection with the Disciplinary Complaint of Kazinori Nakamura, and
6 based on this Court's November 22, 2013 order, a check in the amount of
7 Two Hundred Dollars (\$200) to Kazinori Nakamura c/o his counsel Eileen
8 Escudero Wisor, PO Box 506500, Saipan, MP 96950.
9 8. In connection with the Disciplinary Complaint of Frank Herman Cepeda, and
10 based on the findings made subsequent to this Court's November 22, 2013
11 order, a check in the amount of Three Thousand Dollars (\$3,000) to Frank
12 Herman Cepeda, PO Box 5623, Saipan, MP 96950.
13 9. In payment of the Commonwealth of the Northern Mariana Islands Bar
14 Association's payment of fifty percent of the former Disciplinary Counsel's
15 fees and costs in this case as ordered to date pursuant to Disciplinary Rule
16 8(a), and in accordance to the Court's orders of October 15, 2013 (as amended
17 in this ORDER) and October 25, 2013, a check in the amount of Three
18 Thousand and Three Hundred Ninety Dollars (\$3,390) to the Commonwealth
19 of the Northern Mariana Islands Bar Association, PO Box 504539, Saipan,
20 MP 96950.

21 **(b)** The Clerk of Court shall disburse from the \$29,747 held by the Court pending resolution of the
22 lawsuit as follows:
23

- 24 10. In reimbursement of the Commonwealth of the Northern Mariana Islands
25 Superior Court's payment of fifty percent of the former Disciplinary
Counsel's fees and costs in this case as ordered to date pursuant to
Disciplinary Rule 8(a), and in accordance to the Court's orders of October
15, 2013 (as amended in this ORDER) and October 25, 2013, a check in the
amount of Three Thousand and Three Hundred Ninety Dollars (\$3,390) to
the Superior Court of the Commonwealth of the Northern Mariana Islands.

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1 **F. Objections to the Final Attorney's Fees and Costs Award to Attorney Clifford.**

2 Attached to this order shall be Invoice Numbers 3057 and 3058 submitted by Attorney Clifford to
3 the Court.¹³ Pursuant to Rule 19(c), Woodruff shall have 7 calendar days from the issuance of this order to
4 submit his objections to the \$12,620 in attorney's fees and costs awarded to Attorney Clifford, as stated in
5 the vacated November 5, 2010 order. If Woodruff files his objection, the Court shall schedule a hearing to
6 determine final disposition of this matter—with the exception of current Disciplinary Counsel's attorney's
7 fees and costs. Attorney Clifford may also file an opposition on or before 5 calendar days after Woodruff's
8 permitted filing, if one were to be filed.

9
10 In accordance with the outcome of such hearing, if it were to occur, the Court shall find the attorney's
11 fees and costs award in the amount of \$12,620 to be the final order on this issue or shall amend the attorney's
12 fees and costs award to reflect the appropriate amount of money to be paid to Attorney Clifford as to Invoice
13 Numbers 3057 and 3058. If Woodruff chooses not to object to the \$12,620 amount, an attorney's fees and
14 award order shall be issued from the Court in this instant matter after Woodruff's filing deadline has passed.
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16
17 **SO ORDERED** this 9th day of March, 2016.

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19 /s/
David A. Wiseman, Associate Judge

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23 _____
24 ¹³ The invoices are attached as Exhibit A to this order.