

Supreme Court Case No. ADC21-004 Ethics Case No. EC21-014

INTERIM SUSPENSION ORDER

This matter comes before the court on a Transmittal and Recommendation filed on August 11, 2021, under seal, by Prosecuting Counsel as approved by the Investigative Committee of the Comprehensive Lawyer Regulatory System. Prosecuting Counsel recommends the immediate interim suspension of Respondent John Richard Bordallo Bell ("Respondent") for alleged violation of the Guam Rules of Professional Conduct and because he poses a substantial threat of serious harm to the public.

This court has the authority to preside over attorney disciplinary actions through the Organic Act of Guam at 48 U.S.C.A. § 1424-1(a)(7), 7 GCA § 9101, and pursuant to the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings, adopted March 16, 2021 ("GRLDE"). Based on the facts as set forth in the Transmittal and Recommendation, which are incorporated herein, the court finds that Respondent John Bell is a resident of Guam and an attorney currently licensed to practice law in Guam, and that there is evidence Respondent violated Rule 8.4(b) of 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. *See* GRLDE 20(a).

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IN RE:

J.R.B.B.

1	Having considered the evidence set forth in the Transmittal and Recommendation, the				
2	court enters the following Order:				
3	1. Respondent shall immediately be SUSPENDED FROM THE PRACTICE OF				
4	LAW for an interim period pending final disposition of a disciplinary proceeding predicated				
5	upon the conduct causing the harm, pursuant to GRLDE Rule 20.				
6	2. Respondent shall comply with GRLDE Rule 27 relating to notification of clients,				
7	together with other procedural requirements of Rule 27, including the filing of an affidavit with				
8	the court showing compliance with the rule by August 27, 2021. The court will thereafter				
9	determine whether it will appoint counsel under GRLDE Rule 28.				
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11	SO ORDERED this 13th day of August, 2021.				
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14	<u>/s/</u> /s/				
15	KATHERINE A. MARAMANJOHN A. MANGLONAAssociate JusticeJustice Pro Tempore				
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18	/s/ F. PHILIP CARBULLIDO				
19	Chief Justice				
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In the Matter of:

JOHN R.B. BELL

for Suspension from the Roll of Attorneys of the Guam Bar.

SUSPENSION ORDER¹

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This matter comes before the court pursuant to Attorney **JOHN R.B. BELL's** failure to timely register and pay the Guam Bar dues for 2022. The registration and payment deadline was January 1, 2022. On February 2, 2022, pursuant to Rules 8(c) and 8(f) of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings ("Rules"), the Clerk of Court of the Supreme Court of Guam provided notice of delinquency to **JOHN R.B. BELL**. The time to comply with the delinquency notice has since expired, and Mr. Bell is now subject to administrative suspension in accordance with the Rules.

Therefore, pursuant to Rules 8(c) and 8(f), JOHN R.B. BELL is SUSPENDED from the roll of attorneys of the Guam bar. Pursuant to Rules 8(d) and 8(f), reinstatement may be accomplished upon written request for reinstatement, submission of a current Guam bar registration, payment of all arrears at the active annual rate plus all late fees and a penalty of 20 percent of the total amount due from the date of the last payment to the date of the request for reinstatement — all payable to the Guam Bar Association — and payment of a \$300.00 penalty payable to the Supreme Court of Guam. *See* Rules 8(d), (f).

SO ORDERED this 10th day of March, 2022. <

F. PHILIP CARBULLIDO Chief Justice

¹ Regardless of the instant Suspension Order, Mr. John R.B. Bell remains subject to the Interim Suspension Order filed in Supreme Court Case No. ADC21-004 on August 13, 2021. The August 13, 2021 Interim Suspension Order remains in full force and effect until further order of the court.

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IN THE SUPREME COURT OF GUAM

In the Matter of:

MATTHEW B. BORDEN

for Suspension from the Roll of Attorneys of the Guam Bar.

SUSPENSION ORDER

This matter comes before the court pursuant to Attorney MATTHEW B. BORDEN's failure to timely register and pay the Guam Bar dues for 2022. The registration and payment deadline was January 1, 2022. On February 2, 2022, pursuant to Rules 8(c) and 8(f) of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings ("Rules"), the Clerk of Court of the Supreme Court of Guam provided notice of delinquency to MATTHEW B. BORDEN. The time to comply with the delinquency notice has since expired, and Mr. Borden is now subject to administrative suspension in accordance with the Rules.

Therefore, pursuant to Rules 8(c) and 8(f), **MATTHEW B. BORDEN** is **SUSPENDED** from the roll of attorneys of the Guam bar. Pursuant to Rules 8(d) and 8(f), reinstatement may be accomplished upon written request for reinstatement, submission of a current Guam bar registration, payment of all arrears at the active annual rate plus all late fees and a penalty of 20 percent of the total amount due from the date of the last payment to the date of the request for reinstatement — all payable to the Guam Bar Association — and payment of a \$300.00 penalty payable to the Supreme Court of Guam. *See* Rules 8(d),(f).

SO ORDERED this 10th day of March, 2022.

F. PHILIP CARBULLIDO Chief Justice



In the Matter of:

SARAH L. FABIAN

for Suspension from the Roll of Attorneys of the Guam Bar.

SUSPENSION ORDER

This matter comes before the court pursuant to Attorney **SARAH L. FABIAN's** failure to timely register and pay the Guam Bar dues for 2022. The registration and payment deadline was January 1, 2022. On February 2, 2022, pursuant to Rules 8(c) and 8(f) of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings ("Rules"), the Clerk of Court of the Supreme Court of Guam provided notice of delinquency to **SARAH L. FABIAN**. The time to comply with the delinquency notice has since expired, and Ms. Fabian is now subject to administrative suspension in accordance with the Rules.

Therefore, pursuant to Rules 8(c) and 8(f), **SARAH L. FABIAN** is **SUSPENDED** from the roll of attorneys of the Guam bar. Pursuant to Rules 8(d) and 8(f), reinstatement may be accomplished upon written request for reinstatement, submission of a current Guam bar registration, payment of all arrears at the active annual rate plus all late fees and a penalty of 20 percent of the total amount due from the date of the last payment to the date of the request for reinstatement — all payable to the Guam Bar Association — and payment of a \$300.00 penalty payable to the Supreme Court of Guam. *See* Rules 8(d),(f).

SO ORDERED this 10th day of March, 2022.

F. PHILIP CARBULLIDO Chief Justice

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IN THE SUPREME COURT OF GUAM

In the Matter of:

STEVEN B. FRANKOFF

for Suspension from the Roll of Attorneys of the Guam Bar.

SUSPENSION ORDER

This matter comes before the court pursuant to Attorney **STEVEN B. FRANKOFF's** failure to timely register and pay the Guam Bar dues for 2022. The registration and payment deadline was January 1, 2022. On February 2, 2022, pursuant to Rules 8(c) and 8(f) of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings ("Rules"), the Clerk of Court of the Supreme Court of Guam provided notice of delinquency to **STEVEN B. FRANKOFF**. The time to comply with the delinquency notice has since expired, and Mr. Frankoff is now subject to administrative suspension in accordance with the Rules.

Therefore, pursuant to Rules 8(c) and 8(f), **STEVEN B. FRANKOFF** is **SUSPENDED** from the roll of attorneys of the Guam bar. Pursuant to Rules 8(d) and 8(f), reinstatement may be accomplished upon written request for reinstatement, submission of a current Guam bar registration, payment of all arrears at the active annual rate plus all late fees and a penalty of 20 percent of the total amount due from the date of the last payment to the date of the request for reinstatement — all payable to the Guam Bar Association — and payment of a \$300.00 penalty payable to the Supreme Court of Guam. *See* Rules 8(d),(f).

SO ORDERED this 10th day of March, 2022.

F. PHILIP CARBULLIDO Chief Justice



IN RE:

Mark S. Smith, ESQ.

Supreme Court Case No. ADC22-001 Ethics Case No. EC15-013

INTERIM SUSPENSION ORDER AND APPOINTMENT OF RULE 28 COUNSEL

This matter comes before the court on a Transmittal and Recommendation and Declaration of Counsel, both filed on April 5, 2022, under seal, by Regulation Counsel as approved by the Investigative Committee of the Comprehensive Lawyer Regulatory System. Regulation Counsel recommends the immediate interim suspension of Respondent Mark S. Smith ("Respondent") for alleged violation of the Guam Rules of Professional Conduct and because he poses a substantial threat of serious harm to the public.

This court has the authority to preside over attorney disciplinary actions through the Organic Act of Guam at 48 U.S.C.A. § 1424-1(a)(7), 7 GCA § 9101, and under the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings, adopted March 16, 2021 ("GRLDE"). Based on the facts in the Transmittal and Recommendation, which are incorporated herein, the court finds that Respondent Mark S. Smith is a resident of Guam and an attorney licensed to practice law in Guam, and there is evidence Respondent is in violation Rule 8.4 of 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. *See* GRLDE 20(a); *see also* GRLDE 9(a)(1) (Grounds for Discipline) and GRLDE 19 (Lawyers Found Guilty of a Crime).

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Having considered the evidence in the Transmittal and Recommendation, the court enters the following Order:

1. Respondent shall immediately be **SUSPENDED FROM THE PRACTICE OF LAW** for an interim period pending final disposition of a disciplinary proceeding predicated upon the conduct causing the harm, under GRLDE Rule 20.

2. Based on information received, the court finds it is in the best interest of Respondent Smith, his clients, and legal profession to appoint Rule 28 Counsel. Therefore, under GRLDE Rule 28, the Supreme Court of Guam appoints Attorney Seth Forman to carry out the duties and responsibilities of Respondent Smith specified in GRLDE Rule 27, and any other duties assigned to counsel under Rule 28. Attorney Forman may take such action he considers necessary and appropriate to protect the interest of Respondent Smith or Respondent Smith's clients or both.

3. Respondent is ordered to assist and cooperate with Rule 28 Counsel relative to notification of clients and other procedural requirements under Rules 27 and 28.

SO ORDERED this 8th day of April, 2022.

/s/ ROBERT J. TORRES Associate Justice /s/ KATHERINE A. MARAMAN Associate Justice

/s/ F. PHILIP CARBULLIDO Chief Justice

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IN THE SUPREME COURT OF GUAM

In the Matter of:

YOUNGAH KIM

for Suspension from the Roll of Attorneys of the Guam Bar.

SUSPENSION ORDER

This matter comes before the court pursuant to Attorney **YOUNGAH KIM's** failure to timely register and pay the Guam Bar dues for 2022. The registration and payment deadline was January 1, 2022. On February 2, 2022, pursuant to Rules 8(c) and 8(f) of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings ("Rules"), the Clerk of Court of the Supreme Court of Guam provided notice of delinquency to **YOUNGAH KIM**. The time to comply with the delinquency notice has since expired, and Ms. Kim is now subject to administrative suspension in accordance with the Rules.

Therefore, pursuant to Rules 8(c) and 8(f), **YOUNGAH KIM** is **SUSPENDED** from the roll of attorneys of the Guam bar. Pursuant to Rules 8(d) and 8(f), reinstatement may be accomplished upon written request for reinstatement, submission of a current Guam bar registration, payment of all arrears at the active annual rate plus all late fees and a penalty of 20 percent of the total amount due from the date of the last payment to the date of the request for reinstatement — all payable to the Guam Bar Association — and payment of a \$300.00 penalty payable to the Supreme Court of Guam. *See* Rules 8(d),(f).

SO ORDERED this 10th day of March, 2022.

F. PHILIP CARBULLIDO Chief Justice



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IN THE SUPREME COURT OF GUAM

In the Matter of:

JANE A. WEBSTER

for Suspension from the Roll of Attorneys of the Guam Bar.

SUSPENSION ORDER

This matter comes before the court pursuant to Attorney JANE A. WEBSTER's failure to timely register and pay the Guam Bar dues for 2022. The registration and payment deadline was January 1, 2022. On February 2, 2022, pursuant to Rules 8(c) and 8(f) of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings ("Rules"), the Clerk of Court of the Supreme Court of Guam provided notice of delinquency to JANE A. WEBSTER. The time to comply with the delinquency notice has since expired, and Ms. Webster is now subject to administrative suspension in accordance with the Rules.

Therefore, pursuant to Rules 8(c) and 8(f), JANE A. WEBSTER is SUSPENDED from the roll of attorneys of the Guam bar. Pursuant to Rules 8(d) and 8(f), reinstatement may be accomplished upon written request for reinstatement, submission of a current Guam bar registration, payment of all arrears at the active annual rate plus all late fees and a penalty of 20 percent of the total amount due from the date of the last payment to the date of the request for reinstatement — all payable to the Guam Bar Association — and payment of a \$300.00 penalty payable to the Supreme Court of Guam. *See* Rules 8(d),(f).

SO ORDERED this 10th day of March, 2022.

F. PHILIP CARBULLIDO Chief Justice

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IN THE SUPREME COURT OF GUAM

In the Matter of:

CALVIN E. HOLLOWAY, Sr.

REINSTATEMENT ORDER

for Reinstatement to the Roll of Attorneys of the Guam Bar.

This matter comes before the court on Calvin E. Holloway, Sr.'s Request for Reinstatement of Membership, dated March 19, 2022, and Remittance of Outstanding Balance for Reinstatement of Membership, dated April 8, 2022. On March 10, 2022, the Supreme Court administratively suspended Holloway for failure to timely register and pay the Guam Bar dues for 2022 despite having be duly notified by the Supreme Court of Guam of his delinquency and given time to comply with the delinquency notice pursuant to Rules 8(c) and 8(f) of the Guam Rules for Lawyer Disciplinary Enforcement and Disability Proceedings ("Rules").

Because Holloway has since made a written request for reinstatement, submitted a current Guam bar registration, paid all arrears at the active annual rate plus all late fees and a penalty of 20 percent of the total amount due from the date of the last payment to the date of the request for reinstatement (payable to the Guam Bar), and paid the \$300.00 penalty (payable to the Supreme Court), he is now eligible for reinstatement. *See* Rules 8(d),(f). Therefore, the court orders that the Suspension Order issued on March 10, 2022, is **VACATED** and Calvin E. Holloway, Sr., is hereby **REINSTATED** to the practice of law in Guam. His name shall be placed back on the roll of attorneys effective this date.

SO ORDERED this 20th day of April, 2022.

F. PHILIP CARBULLIDO Chief Justice