FILED

IN THE SUPREME COURT OF GUAM

) Supreme Court Case No. JDM13-002
) Judicial Discipline Special Court
) Case No. 13-001
)
) Related Judicial Discipline Complaint
) Case No. JEC10-001
)
) ORDER
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This matter comes before the court on the Submission of Discipline by Consent for Approval, filed November 8, 2013, by the Special Court Regarding Judicial Discipline ("Special Court"), constituted pursuant to the Guam Rules for Judicial Disciplinary Enforcement (RJDE), Rule 2.2. Accompanying the Submission of Discipline by Consent are the Agreement to Discipline by Consent, signed by Respondent Judge Steven S. Unpingco (Retired), Disciplinary Counsel Bruce A. Bradley, and Respondent's Counsel Daniel S. Somerfleck, as well as the Affidavit of Consent signed by Respondent.

Rule 23 of the RJDE provides that, "[a]t any time after the filing of formal charges and before final disposition, the respondent may agree with disciplinary counsel that the respondent shall admit to any or all of the formal charges in exchange for a stated sanction." RJDE, Rule 23(A). Such agreement shall be submitted to the Special Court, which may then submit the agreement to the Supreme Court for approval. RJDE, Rule 23(A)(2).

Having reviewed the submissions of the Special Court, which include the admissions of misconduct contained in the Agreement to Discipline by Consent, the court hereby enters this

Order of Discipline, pursuant to RJDE, Rule 23(D). A copy of the Agreement to Discipline by Consent¹ is attached hereto as "Attachment 1."

It is hereby **ORDERED** that Respondent Judge Steven S. Unpingco (Retired) shall be disciplined by public reprimand by the publication and dissemination of this court's Order of Discipline through the same channels as the issuance of Supreme Court opinions. Additionally, disciplinary counsel shall publish news of the discipline through one publication of the following statement in a newspaper of general circulation in Guam, which shall be completed within thirty days of this Order of Discipline. Respondent shall bear the expense for such publication, which shall be paid by Respondent through the office of disciplinary counsel within thirty days of Respondent being notified, through counsel of record, of the total cost for the publication.

The publication shall state as follows:

Steven S. Unpingco, a retired judge of the Superior Court of Guam, has been PUBLICLY REPRIMANDED by the Supreme Court of Guam for engaging in judicial misconduct by his violation of Canon 34 of the American Bar Association's Canons of Judicial Ethics based on his failure to remain fearless of public clamour, patient, and courteous through language he used in court documents filed in Superior Court of Guam cases while he was an active judge.

SO ORDERED this 3157 day of January, 2014.

Original Signed • W. Philip Carbullido

F. PHILIP CARBULLIDO

Associate Justice

Original Signed By: Honorable Alberto E. Tolentino

ALBERTO E. TOLENTINO
Justice Pro Tempore

Original Signed: Robert J. Torres

ROBERT J. TORRES Chief Justice

¹ Pursuant to RJDE, Rule 23(D), Respondent's Affidavit of Consent shall remain confidential until accepted by the Supreme Court. The Agreement to Discipline by Consent, having now been accepted by this court and this court's Order of Discipline having issued, shall now be part of the public record.



COMMITTEE ON JUDICIAL DISCIPLINE OFFICE OF DISCIPLINARY COUNSEL Judicial Center Building, Second Floor Hagåtña, Guam 96910



BEFORE THE SPECIAL COURT REGARDING JUDICIAL DISCIPLINE

IN RE:	Case Number: 13-001
JUDGE STEVEN S. UNPINGCO, SUPERIOR COURT OF GUAM	Related Judicial Discipline Complaint Case No: JEC10-001
(Retired)	STIPULATED REQUEST FOR CONTINUED EXTENSION OF
	DEADLINE TO ANSWER; AGREEMENT TO DISCIPLINE BY CONSENT
Respondent.) SUBMITTED UNDER SEAL)

PRELIMINARY MATTER -- SEALING

Pursuant to Rule 23(D) of the Supreme Court of Guam's Rules for Judicial Disciplinary Enforcement ("RJDE"), this matter is to remain confidential until accepted by the Supreme Court of Guam. Therefore, it is submitted under seal and directly to the Special Court, through Commission Counsel. If the Special Court rejects this agreement, the admissions herein are, "withdrawn and cannot be used against the respondent in any proceedings." (RJDE 23(B)). Therefore it appeared most prudent, in satisfying RJDE 23(A)'s requirement that it be merely be "submitted" to the Special Court, to do so through Commission Counsel rather than by filing it with the Supreme Court of Guam as suggested by RJDE 19.1. Further, it is respectfully stipulated and recommended that if this Special Court files this agreement with the Supreme Court for its approval pursuant to RJDE 23(A), along with Respondent's Affidavit of Consent, such filing with the Supreme Court also be done under seal as that Court is similarly charged with maintaining their confidentiality until such time as the Court might accept them.

In RE: Judge Steven S. Unpingco (Retired) Special Court Case Number 13-001 Agreement to Discipline by Consent Page 2 of 4

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STIPULATED REQUEST FOR CONTINUED EXTENSION OF RESPONDENT'S DEADLINE TO FILE ANSWER TO FORMAL CHARGES

Formal charges were filed against Respondent on July 31, 2013 and served on Respondent that same day through the office of his counsel of record, Daniel S. Somerfleck. Respondent has not yet answered the formal charges, having been granted an extension until September 19, 2013 to file and serve his answer. The parties hereto stipulate and agree, and respectfully request, that an order issue from the Special Court further extending Respondent's deadline to answer the formal charges until thirty (30) days after this agreement is rejected by either the Special Court or the Supreme Court pursuant to RJDE 23(A) or (D), if such occurs. If neither body rejects the agreement, RJDE 23(D) directs that the Supreme Court of Guam shall enter an order disciplining Respondent. Upon the Supreme Court's entry of an order of discipline, there will be no need for Respondent to answer the formal charges.

AGREEMENT

Introduction

The undersigned parties submit that this agreement represents an appropriate and efficient final resolution of this matter, and that its acceptance by the Special Court and the Supreme Court of Guam is in the best interests of justice.

RJDE 23(A) allows a respondent to agree with disciplinary counsel to resolve a judicial discipline matter in which formal charges have been filed. Together with an agreement, a respondent must also execute and submit an affidavit of consent. RJDE 23(C). Respondent herein has submitted the required affidavit. The agreement and affidavit are to be submitted to the Special Court for its consideration. RJDE 23(A). The Special Court must either reject them or file them with the Supreme Court for consideration. RJDE 23(A) & (D). The Supreme Court must either reject them or enter an order disciplining Respondent herein, which order must be

In RE: Judge Steven S. Unpingco (Retired) Special Court Case Number 13-001 Agreement to Discipline by Consent Page 3 of 4

based on the formal charges and the conditional admission evidenced by the agreement and affidavit. RJDE 23(D).

Admission of Misconduct

The parties hereto agree, and Respondent expressly admits, that he engaged in misconduct as charged in the formal charges pending against him by his failure to remain fearless of public clamour, patient, and courteous in violation of Canon 34 of the American Bar Association's Canons of Judicial Ethics which applied to Respondent at the time of the misconduct.

Stated Disciplinary Sanction

The parties hereto expressly agree that the sanction to be imposed upon Respondent by the Supreme Court of Guam for his admission of misconduct articulated herein will be a PUBLIC REPRIMAND. Such public reprimand shall be administered by the publication and dissemination of the Supreme Court's order of discipline through the same channels as are the appellate opinions of the Court. Additionally, disciplinary counsel shall publish news of the discipline through one publication of the following statement in a newspaper of general circulation on Guam, which shall be completed within thirty (30) days of the filing of the Supreme Court's order of discipline. Respondent shall bear the expense for such publication, which shall be paid by Respondent through the office of disciplinary counsel within thirty (30) days of Respondent being notified, through counsel of record, of the total cost for the publication. No further costs shall be assessed. The publication shall state as follows:

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In RE: Judge Steven S. Unpingco (Retired) Special Court Case Number 13-001 Agreement to Discipline by Consent Page 4 of 4

DISCIPLINE OF FORMER SUPERIOR COURT OF GUAM JUDGE

Steven S. Unpingco, a retired judge of the Superior Court of Guam, has been PUBLICLY REPRIMANDED by the Supreme Court of Guam for engaging in judicial misconduct by his violation of Canon 34 of the American Bar Association's Canons of Judicial Ethics based on his failure to remain fearless of public clamour, patient, and courteous through language he used in court documents filed in Superior Court of Guam cases while he was an active judge.

STIPULATED AND AGREED BY:

BRUCE A. BRADLEY Disciplinary Counsel

Date:

BANIEL S. SOMERFLECK

Counsel for Respondent Date:

JUDGE STEVEN S. UNPINGCO (Retired)

Respondent

Date: