

When Ellen Mae Manlapaz first moved to vacate the judgment against her, the bank opposed the motion on the ground that it was time-barred and distrusted the copies of the Philippine passport stamps that were supposedly in Ellen Mae Manlapaz's passport since they were not authenticated and it was widely known that Philippine immigration stamps were frequently forged. When Ellen Mae Manlapaz later provided the bank with a certified copy of the birth certificate of Ellen Mae Manlapaz's child showing that Ellen Mae Manlapaz must have been in the Philippines giving birth when the loan documents were executed, the bank withdrew its opposition and Ellen Mae Manlapaz was granted relief from the judgment against her in this case.

Reasonable inquiry having been made, the defendants' Motion for Rule 11 Sanctions is denied.

* * * *

FSM SUPREME COURT TRIAL DIVISION

IN THE MATTER OF ATTORNEY)	DPA NO. 001-2014
EDWARD T. BUCKINGHAM,)	
)	
Respondent Attorney.)	
_____)	

ORDER OF SUSPENSION

Ready E. Johnny
Acting Chief Justice

Hearing: October 6, 2014
Decided: October 13, 2014

APPEARANCE:

Disciplinary Counsel: Aaron L. Warren, Esq.
P.O. Box PS-111
Palikir, Pohnpei FM 96941

* * * *

HEADNOTES

Attorney and Client – Attorney Discipline and Sanctions

The FSM Supreme Court cannot impose reciprocal discipline on an attorney for the failure to pay annual bar dues in CNMI because this would not constitute misconduct in this jurisdiction since there are no annual bar dues in the FSM Supreme Court. The court cannot impose reciprocal discipline when the conduct disciplined in the other jurisdiction does not constitute misconduct in this jurisdiction. In re Buckingham, 19 FSM R. 582, 583 n.1 (Pon. 2014).

Attorney and Client – Attorney Discipline and Sanctions

An attorney convicted in the Northern Marianas of use of public supplies, services, time, and personnel for campaign activities, use of the name of a government department or agency to campaign for a candidate running for public office, three counts of misconduct in public office, theft of services, and conspiracy to commit theft of services and suspended from the practice of law in the Northern

Marianas and Colorado, will be suspended from the practice of law in the Federated States of Micronesia and may apply for reinstatement once his right to practice law has been reinstated in both the State of Colorado and the Commonwealth of the Northern Mariana Islands or once five years has elapsed, whichever is sooner. In re Buckingham, 19 FSM R. 582, 583-84 (Pon. 2014).

* * * *

COURT'S OPINION

READY E. JOHNNY, Acting Chief Justice:

On October 6, 2014, the court conducted a Rule 10(c) hearing in this disciplinary proceeding. Disciplinary Counsel Aaron L. Warren appeared. The respondent attorney, Edward T. Buckingham III, affirmatively waived his appearance and his right to be represented at the hearing.

On February 20, 2014, Buckingham was found guilty in the Superior Court of the Commonwealth of the Northern Mariana Islands of the crimes of (1) use of public supplies, services, time, and personnel for campaign activities, 6 N. Mar. I. Code § 8534(b), (2) use of the name of a government department or agency to campaign for a candidate running for public office, 1 N. Mar. I. Code § 6705(a), (3), (5), & (7) three counts of misconduct in public office, 6 N. Mar. I. Code § 3202, (4) theft of services, 6 N. Mar. I. Code § 1607(b), and (6) conspiracy to commit theft of services, 6 N. Mar. I. Code § 303(a). These charges were all based on Buckingham's actions while he was the Attorney General of the Commonwealth of the Northern Mariana Islands. Counts 1, 2, and 3 were based on Buckingham's planning and hosting an August 28, 2010 dinner at which a candidate for delegate to the U.S. House of Representatives appeared and spoke. Counts 4 and 5 were based on Buckingham's ordering his assistant attorneys general to represent him in his criminal case without having the authority to do so. And counts 6 and 7 were based on Buckingham's unauthorized use of a police escort to Saipan airport after learning that charges had been filed against him based on the August 28, 2010 dinner. Buckingham was sentenced to six months' imprisonment, suspended with probation, and \$14,000 in fines. The fines have been paid. The convictions have not been appealed and the time to appeal has expired.

Buckingham has been suspended from the practice of law in the Commonwealth of the Northern Mariana Islands.¹ And because of his Northern Marianas criminal convictions, Buckingham has also been suspended from the practice of law in the U.S. State of Colorado for eighteen months.

Once contacted by FSM disciplinary counsel, Buckingham has been cooperative and has furnished disciplinary counsel with copies of the Colorado disciplinary proceedings. Buckingham has acknowledged receipt of all of the disciplinary counsel's filings.

¹ Buckingham was suspended in the Northern Marianas for not paying his 2013 annual bar dues. On April 7, 2014, Chief Justice Martin Yinug ruled that the court clearly could not impose reciprocal discipline on attorney Buckingham for this because the failure to pay annual bar dues would not constitute misconduct in this jurisdiction since there are no annual bar dues in the FSM Supreme Court and the court cannot impose reciprocal discipline when "the conduct disciplined in the other jurisdiction does not constitute misconduct in this jurisdiction." FSM Dis. R. 11(c)(4). Normally, that would have ended the matter, but because attorney Buckingham also notified the court that he may have "been convicted of a crime which is a felony or which involves fraud, dishonesty, or corruption," FSM Dis. R. 10(a), and because of attorney Buckingham's attempt to resign from the FSM bar thereafter, the court believed further investigation was warranted and opened this case.

NOW THEREFORE IT IS HEREBY ORDERED that respondent attorney Edward T. Buckingham III is immediately suspended from the practice of law in the Federated States of Micronesia. He may apply for reinstatement, FSM Dis. R. 13, once his right to practice law has been reinstated in both the State of Colorado and the Commonwealth of the Northern Mariana Islands or once five years has elapsed, whichever is sooner.

* * * *

FSM SUPREME COURT TRIAL DIVISION

BANK OF HAWAII,)	CIVIL ACTION NO. 2004-023
)	
Plaintiff,)	
)	
vs.)	
)	
MARLENE HELGENBERGER and)	
YALMER HELGENBERGER,)	
)	
Defendants.)	
_____)	

ORDER PARTIALLY GRANTING WITHDRAWAL OF COUNSEL

Beauleen Carl-Worswick
Associate Justice

Decided: October 17, 2014

APPEARANCE:

For the Defendants: Marstella E. Jack, Esq.
P.O. Box 2210
Kolonias, Pohnpei FM 96941

* * * *

HEADNOTES

Attorney and Client – Withdrawal of Counsel

The withdrawal of counsel from the legal representation of a client is governed by FSM MRPC Rule 1.16. Bank of Hawaii v. Helgenberger, 19 FSM R. 584, 585 (Pon. 2014).

Attorney and Client – Withdrawal of Counsel

When the court has not been notified on the record at the representation’s start that counsel’s representation was limited, counsel then must seek the court’s permission to withdraw when he believes his representation has come to an end. Bank of Hawaii v. Helgenberger, 19 FSM R. 584, 586 (Pon. 2014).

Attorney and Client – Withdrawal of Counsel

FSM MRPC Rule 1.16(d) is a nonexclusive list of steps that an attorney must take to protect