

SUPREME COURT OF NORTH DAKOTA

Disciplinary Board v. Baird

2022 ND 146 (2022) · No. Nos. 20210239, 20210329 & 20210330 · Decided July 21, 2022

SUMMARY

The Supreme Court of North Dakota ordered Stephen J. Baird disbarred for misconduct involving three immigration clients. The Court found violations of professional conduct rules concerning diligence, communication, and protection of client interests, and ordered refunds, restitution obligations, payment of disciplinary costs, and compliance with notice requirements.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Per Curiam; Jon J. Jensen, C.J.; Gerald W. VandeWalle; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte
JURISDICTION	North Dakota
DECIDED	July 21, 2022
DOCKET	Nos. 20210239, 20210329 & 20210330
DISPOSITION	other
PROCEDURAL POSTURE	The North Dakota Supreme Court reviewed de novo on the record a disciplinary board hearing panel report recommending disbarment, fee refunds, costs, and compliance with notice requirements.
STANDARD OF REVIEW	The Supreme Court reviews disciplinary proceedings de novo on the record. Disciplinary counsel must prove each alleged violation by clear and convincing evidence. The Court gives due weight and deference to hearing-panel findings, particularly findings based on conflicting evidence and witness credibility, but does not act as a rubber stamp.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion
PARTIES	Disciplinary Board of the Supreme Court of the State of North Dakota v. Stephen J. Baird

TOPICS

- remedies
- immigration
- asylum
- adjustment of status
- appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

immigration law

QUESTIONS PRESENTED

1. Whether Baird violated North Dakota Rules of Professional Conduct 1.3, 1.4, and 1.16(e) through lack of diligence, inadequate communication, and failure to protect clients' interests upon termination of representation.
2. Whether Baird violated Rule 8.1(a) by knowingly making false statements during the disciplinary investigation.
3. Whether disbarment, client-fee refunds, costs, restitution, and notice compliance were appropriate sanctions.

HOLDINGS

1. Baird violated N.D.R. Prof. Conduct 1.3 by knowingly failing to act with reasonable diligence and promptness in all three immigration representations, including by delaying or failing to make the agreed filings.
2. Baird violated N.D.R. Prof. Conduct 1.4 by knowingly failing to reasonably communicate with the clients and by providing misinformation about the status of their immigration filings.
3. Baird violated N.D.R. Prof. Conduct 1.16(e) by failing to take reasonable steps to protect the clients' interests upon termination, including failing to refund unused fees and return client files and records.
4. The Court declined to find a violation of N.D.R. Prof. Conduct 8.1(a) because the record did not contain supporting facts or findings establishing that Baird knowingly made a false statement of material fact in connection with a disciplinary matter.
5. Disbarment was appropriate because Baird engaged in a pattern of neglect and multiple violations, temporarily abandoned a practice, and caused serious or potentially serious injury to vulnerable clients.

KEY QUOTATIONS

“Upon receipt of findings and recommendations from the disciplinary board, this Court reviews the proceeding de novo on the record.” (¶ 3)

““Terminating the representation” is not a violation of Rule 1.16(e); rather it is the trigger for the requirements to refund fees and return files.” (¶ 27)

“IT IS ORDERED, that Stephen J. Baird is DISBARRED from the practice of law in North Dakota effective immediately.” (¶ 41)

FACTUAL BACKGROUND

Baird represented three clients in immigration matters involving naturalization or immigration status, asylum, and adjustment of status. He repeatedly failed to complete or file agreed immigration applications, failed to communicate accurately or responsively, and in some instances retained client files, passports, or unearned fees

after withdrawing or abandoning the representations. The resulting delays exposed the clients to potential or serious injury, including delayed work authorization, inability to travel, economic hardship, and possible removal.

PROCEDURAL HISTORY

A disciplinary complaint concerning Baird's representation of Maurice Mensah led to formal charges. The hearing panel initially issued default findings, and the Supreme Court remanded for additional findings; on remand, complaints involving Christopher Gbagir and Daniel P. Odoi were consolidated. After a March 9, 2022 hearing at which the complainants testified and Baird did not appear, the hearing panel recommended disbarment and related monetary sanctions. No objections were filed, and the Supreme Court adopted the panel's findings and recommendations in substantial part, rejecting the proposed Rule 8.1(a) violation for lack of supporting facts.

DISPOSITION

other

CASES CITED

- In re Disciplinary Action Against McDonald, 2000 ND 87, ¶ 13, 609 N.W.2d 418
- In re Disciplinary Action Against Lee, 2013 ND 151, ¶ 9, 835 N.W.2d 836
- In re Disciplinary Action Against Overboe, 2014 ND 62, ¶ 9, 844 N.W.2d 851
- In re Disciplinary Proceedings Against Wickersham, 310 P.3d 1237, 1243-44 (Wash. 2013)