

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 227

In the Matter of the Application for
Disciplinary Action Against Stephen J.
Baird, a Person Previously Admitted to
the Bar of the State of North Dakota

Disciplinary Board of the Supreme Court
of the State of North Dakota,

Petitioner

v.

Stephen J. Baird,

Respondent

No. 20220300

APPLICATION FOR DISCIPLINE.

DISBARMENT ORDERED.

Per Curiam.

[¶1] The Court has before it default findings of fact, conclusions of law and recommendations of a hearing panel recommending Stephen J. Baird be disbarred from the practice of law for violation of N.D.R. Prof. Conduct 1.3, 1.4, and 1.16(e). We disbar Baird, we order him to reimburse the client, and we order him to reimburse the North Dakota Client Protection Fund for any payments made to the client on his behalf.

[¶2] Baird was admitted to practice law in North Dakota in 2013. Effective July 21, 2022, Baird was disbarred from the practice of law in North Dakota. See *Disciplinary Board v. Baird*, 2022 ND 146, 977 N.W.2d 702.

[¶3] Baird failed to answer the petition, and Disciplinary Counsel moved for default. Baird is in default and the charges in the amended petition for discipline are deemed admitted under N.D.R. Lawyer Discipl. 3.1(E)(2).

[¶4] Under N.D.R. Lawyer Discipl. 3.1(F)(2), the hearing panel's report contained findings of fact, summarized below, which we adopt. A client retained Baird to represent her regarding immigration matters in 2017. Baird was hired to represent the client on removal proceedings and an I-360 green card petition. The green card petition was based on violence against her by her ex-husband who was a United States citizen. Baird was not prepared for a hearing in the matter. He did not file the I-360 paperwork until September 16, 2021, a considerable delay. The I-360 petition contained minimal information and the client was not provided a copy. Baird failed to file other documents and did not communicate with the client. The client was not provided copies of other documents requested from Baird.

[¶5] The client hired subsequent counsel. Counsel was not able to reach Baird to obtain a copy of the file despite calls to two phone numbers and emails. The deadline for Baird to respond to a request for evidence from U.S. Citizenship and Immigration Services (USCIS) was October 18, 2021 and Baird did not respond. The file was not provided to subsequent counsel by Baird until October 19, 2021. Therefore, subsequent counsel was unaware of the deadline. The file was also not complete, demonstrated by a lack of typical communication with USCIS and documentation given to Baird by the client.

[¶6] The hearing panel concluded Baird violated N.D.R. Prof. Conduct 1.3, Diligence, by failing to act with reasonable diligence and promptness; 1.4, Communication, by failing to keep the client reasonably informed about the status of a matter and by failing to respond to reasonable requests for information and 1.16(e), Declining or Terminating Representation, by failing to take reasonable steps to protect the client's interests by making a timely

transition of her cases to subsequent counsel as requested by the client and by failing to provide a complete copy of the client file to alternate counsel.

[¶7] The hearing panel concluded aggravating factors under N.D. Stds. Imposing Lawyer Sanctions 9.22 of a prior discipline history, a pattern of misconduct, and a vulnerable victim. The hearing panel concluded disbarment was the appropriate sanction.

[¶8] The hearing panel concluded aggravating factors under N.D. Stds. Imposing Lawyer Sanctions 9.22 consisted of a prior discipline history, a pattern of misconduct, and the client being a vulnerable victim. The hearing panel concluded disbarment was the appropriate sanction. No mitigating factors were noted in the report.

[¶9] The findings of fact, conclusions of law, and recommendations were served and forwarded to this Court. Objections were due within 20 days of service of the findings of fact, conclusions of law, and recommendations. No objections were received, and the matter was submitted to the Court for consideration. The Court considered the matter, and,

[¶10] ORDERED, that the findings of fact, conclusions of law, and recommendations by the hearing panel are accepted.

[¶11] IT IS FURTHER ORDERED, that Stephen J. Baird is DISBARRED from the practice of law in North Dakota effective immediately.

[¶12] IT IS FURTHER ORDERED, that for any amounts already paid by the North Dakota Client Protection Fund on Baird's behalf, he make restitution within 90 days of entry of the judgment in this matter. For any amounts relating to this matter paid in the future by the North Dakota Client Protection Fund, Baird make restitution to the Fund within 90 days of receiving notice payment was made.

[¶13] IT IS FURTHER ORDERED, that any reinstatement is governed by N.D.R. Lawyer Discipl. 4.5 and cannot occur until at least five years from the effective date of disbarment and compliance with the conditions of this order.

[¶14] IT IS FURTHER ORDERED, that Baird must comply with N.D.R. Lawyer Discipl. 6.3 regarding notice.

[¶15] Jon J. Jensen, C.J.
Gerald W.VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte