

**JAWARA GRIFFIN**  
**Public Reprimand No. 2018-1**  
**Order (public reprimand) entered by the Board on February 16, 2018.**  
**SUMMARY**<sup>1</sup>

The respondent received a public reprimand for his failure to comply with court orders in connection with a civil case in which he was a *pro se* judgement debtor.

On April 1, 2009, the respondent executed as borrower a Sallie Mae Bar Study Loan in the original amount of \$15,000.00. In order to qualify for the loan, the respondent was required to have a credit worthy co-borrower. The respondent's then girlfriend agreed to and did sign the loan as co-borrower.

Between June 2010 and July 2011, forbearance requests from the respondent were allowed from time to time, but no payments were made when the forbearances expired. The co-borrower received repeated dunning letters and phone calls from Sallie Mae indicating that no payments had been made during the times that no forbearance was in place. On June 6, 2011, the co-borrower received notification that Sallie Mae had reported negatively to national consumer credit reporting agencies on various dates.

After repeated demands on the respondent to pay the loan or the delinquent amounts, in July 2011, the co-borrower retained counsel. On July 15, 2011, counsel sent a letter of representation to the respondent advising him that his failure to pay the debt was detrimentally affecting the co-borrower's credit. As of July 2011, the debt had ballooned to about \$20,000.00. The respondent continued to fail to make any payments.

On February 17, 2012, the co-borrower borrowed funds and paid the full amount of the debt in the amount of \$21,500, more or less, and then continued to make demands from the respondent for reimbursement, without success.

On March 12, 2012, the co-borrower filed a civil complaint. The respondent did not answer and a default entered on April 17, 2012. An assessment of damages hearing was then scheduled for May 24, 2012, and the respondent did not appear. On June 8, 2012, a judgement entered for \$22,319.88. On August 22, 2012, the respondent was served in hand with an execution. Upon receipt of the execution, the respondent did not then inform the co-borrower or her attorney that he had a new address, respond to the execution or make any further payments. The respondent then failed to appear for a Supplementary Process hearing scheduled in the Lynn District Court on April 5, 2013, and a *capias* issued.

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<sup>1</sup> Compiled by the Board of Bar Overseers based on the record of proceedings before the board.

On May 8, 2013, the respondent filed a motion to remove the default judgment and vacate the execution. He defended on the basis that he had moved five months and twenty days before the summons and the complaint were served upon him. However, the respondent did not explain why he did not notify the co-borrower of his change of address nor why he waited about nine months to seek relief after being served in hand with the execution. A hearing was held on the respondent's motion on October 17, 2013, and the respondent's motion was denied. The Court ordered the respondent to enter into a payment plan.

In a supplementary process proceeding against the respondent pending in the Lynn District Court, on November 15, 2013, the parties executed an agreement. The respondent acknowledged his debt at \$22,344.77, agreed to pay \$25.00 per week and agreed to supply a copy on his yearly income tax returns to the co-borrower's counsel during the duration of any payment period. On January 15, 2014, the Lynn District Court entered the terms of the agreement into a Court Order.

The respondent did not pay \$25.00 per week and failed to provide counsel with any income tax returns as set forth in the Agreement and Order. On February 18, 2014, counsel wrote to the Lynn District Court informing it that no payments had been made and requested a review. On April 18, 2014, the respondent appeared. The Court took into evidence the respondent's financial statement and other evidence but did not make any rulings at that time. The matter was continued to July 11, 2014, and the respondent was ordered to appear.

The respondent was aware of the continued hearing date of July 11, 2014. However, the respondent did not appear as scheduled nor did he notify the Court of his inability to attend. On September 23, 2014, the Court issued a *capias* and found the respondent to be in contempt for his failure to appear as ordered.

On November 19, 2014, the respondent made one \$400.00 payment towards his debt. No other payments were made until a payment in May 2016 in the amount of \$100.00.

In March 2015, the respondent had changed his place of employment without notifying the co-borrower or her counsel. Upon learning of his change of employment to a different county, counsel was required to commence supplementary process proceedings in the Somerville District Court for proper jurisdiction. The Lynn District Court *capias* was returned unserved.

On June 22, 2015, the respondent was served with the summons in hand for appearance in the Somerville District Court for October 22, 2015. The respondent was notified of the hearing but did not appear. The respondent was defaulted and a *capias* issued.

At some time in August 2015, the respondent moved to Maryland, but the respondent did not notify the co-borrower or the Court of his home or office address in Maryland. The co-borrower continued to try and serve the capias into 2016, being unaware of the respondent's new address.

On April 21, 2016, bar counsel received a letter from the respondent stating that he was now in a position to resume making payments of \$100.00 per month. The co-borrower agreed to the offer and to not enforce the capias so long as payments were being timely made. Payments were then sporadic.

On April 28, 2017, the co-borrower's attorney returned the unenforceable capias to the court, withdrew from representing the co-borrower and directed her to counsel in Maryland to pursue a full faith and credit proceeding, if she so elected. In connection with his application to be admitted to practice in Maryland, the respondent agreed to a payment plan, with deductions from his pay, that is now being complied with.

The respondent's failure to appear at the supplementary process hearing of April 5, 2013 as ordered, his failure to comply with the Order of the Court dated January 15, 2014, his failure to appear at the review hearing on July 11, 2014 resulting in a finding of contempt and a capias, and his failure to appear at a subsequent supplementary process hearing on October 22, 2015 also resulting in a capias, as described above, are in violation of Mass. R. Prof. C. 3.4(c) and 8.4(d) and (h).

There were no factors on aggravation. In mitigation, the respondent's misconduct did not occur within the practice of law.

This matter came before the board on a stipulation of facts and disciplinary violations and a joint recommendation for a public reprimand without further hearing before a hearing committee. On January 8, 2018, the Board of Bar Overseers accepted the parties' recommendation.