

SUPREME COURT OF THE STATE OF HAWAI‘I

Office of Disciplinary Counsel v. Songstad

Songstad · No. SCAD-13-0000057 · Decided April 17, 2013

SUMMARY

The Supreme Court of Hawai‘i ordered the disbarment of Steven B. Songstad after finding numerous violations of the Hawai‘i Rules of Professional Conduct across multiple disciplinary matters. The court identified extensive neglect, client abandonment, failures to communicate and respond to disciplinary inquiries, misappropriation of client funds, and unauthorized practice during suspension. The order also imposed restitution and costs as conditions and obligations associated with the disciplinary proceeding.

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Mark E. Recktenwald, C.J.; Paula A. Nakayama, J.; Simeon R. Acoba, Jr., J.; Sabrina S. McKenna, J.; Richard W. Pollack, J.
JURISDICTION	Hawaii
DECIDED	April 17, 2013
DOCKET	SCAD-13-0000057
DISPOSITION	other
PROCEDURAL POSTURE	Original disciplinary proceeding on the Disciplinary Board's report and recommendation that Respondent Steven B. Songstad be disbarred.
STANDARD OF REVIEW	The court considered the full record and required clear and convincing evidence to establish the disciplinary violations.
PRECEDENTIAL VALUE	Published disciplinary order; no reporter or neutral citation appears in the source text.
PARTIES	Office of Disciplinary Counsel v. Steven B. Songstad

TOPICS

- remedies
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether clear and convincing evidence established Songstad's violations of the Hawai'i Rules of Professional Conduct across the identified disciplinary matters.
2. Whether disbarment was the appropriate sanction in light of the misconduct and aggravating and mitigating circumstances.
3. What restitution, affidavit, reinstatement, and costs requirements should accompany the disbarment order.

HOLDINGS

1. Clear and convincing evidence established that Songstad violated numerous Hawai'i Rules of Professional Conduct through neglect and abandonment of client matters, failure to communicate, failure to comply with court and disciplinary orders, mishandling of client funds, misrepresentations, unauthorized practice during suspension, and related misconduct.
2. Disbarment was an appropriate sanction for Songstad's extensive and repeated misconduct, aggravating circumstances, and absence of mitigating factors.
3. Songstad was required to file an affidavit demonstrating compliance with RSCH Rule 2.16(d), pay specified restitution as a condition of any future reinstatement, and pay the costs of the proceedings.

KEY QUOTATIONS

"In aggravation, we find by clear and convincing evidence a prior disciplinary record evincing similar misconduct, a pattern of misconduct over time, vulnerable clients, a selfish motive, multiple violations in the present matter, bad faith obstruction of the disciplinary process by intentionally failing to comply with orders of the disciplinary agency, a refusal to acknowledge the wrongful nature of the conduct in the record, substantial experience in the practice of law, and an indifference to making restitution. We find no mitigating factors. Therefore, disbarment being an appropriate sanction," (6-7)

"IT IS HEREBY ORDERED that Respondent Steven B. Songstad is disbarred from the practice of law in the State of Hawai'i effective thirty days after the entry of this order." (7)

FACTUAL BACKGROUND

Across fourteen disciplinary matters, Songstad repeatedly neglected client matters, delayed or failed to file pleadings and appellate briefs, missed court appearances, abandoned representations, failed to communicate with clients, and failed to protect or transfer client files. He also failed to respond to disciplinary inquiries and subpoenas, misrepresented the status of some matters, mishandled client and settlement funds, practiced during a suspension, and failed to supervise staff. The court found aggravating factors including a prior disciplinary record, a pattern of misconduct, vulnerable clients, selfish motive, multiple violations, obstruction of the disciplinary process, substantial experience, and indifference to restitution, with no mitigating factors.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel brought multiple disciplinary matters against Songstad. After considering the Disciplinary Board's report and recommendation and the evidence in the record, the Supreme Court of the State of Hawai'i independently found numerous violations of the Hawai'i Rules of Professional Conduct by clear and convincing evidence and ordered disbarment.

DISPOSITION

other