

SUPREME COURT OF THE STATE OF HAWAI‘I

Office of Disciplinary Counsel v. Stone

Stone · No. SCAD-15-0000590 · Decided October 23, 2015

SUMMARY

The Hawai‘i Supreme Court granted Robert L. Stone’s petition to resign from the practice of law in lieu of discipline. The order states that Stone admitted to unauthorized representations of six clients and failures to disclose several investigations, disciplinary complaints, and litigation, and it directs his removal from the roll of licensed attorneys and compliance with rules governing disbarred attorneys.

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Mark E. Recktenwald, C.J.; Paula A. Nakayama, J.; Sabrina S. McKenna, J.; Richard W. Pollack, J.; Michael D. Wilson, J.
JURISDICTION	Hawaii
DECIDED	October 23, 2015
DOCKET	SCAD-15-0000590
DISPOSITION	other
PROCEDURAL POSTURE	Original disciplinary proceeding on the petition of the Disciplinary Board of the Hawai‘i Supreme Court seeking approval of Robert L. Stone’s resignation from the practice of law in lieu of discipline.
PRECEDENTIAL VALUE	Published disciplinary order

TOPICS

sanctions

appellate procedure

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Stone’s request to resign from the practice of law in lieu of discipline should be granted under RSCH Rule 2.14.
2. What consequences and effective date follow from granting the resignation request.

HOLDINGS

1. The court granted Stone's request to resign from the practice of law in lieu of discipline because his supporting affidavit satisfied RSCH Rule 2.14 and the petition was properly supported.
2. The resignation became effective 30 days after the order, and Stone was required to be removed from the roll of attorneys, comply with the requirements governing disbarred attorneys, and bear the costs of the proceedings.

KEY QUOTATIONS

"Therefore, IT IS HEREBY ORDERED, pursuant to RSCH Rule 2.14, that the petition is granted and Respondent Robert L. Stone's request to resign in lieu of discipline is granted." (2)

"IT IS FURTHER ORDERED that the resignation shall become effective 30 days after the date of this order, as provided by RSCH Rules 2.14(d) and 2.16(c)." (2)

FACTUAL BACKGROUND

Stone admitted that, while not licensed to practice law in Hawai'i, he entered into mortgage-foreclosure-defense representations for six clients concerning Hawai'i property. He also admitted that he failed to disclose two ongoing Hawai'i investigations, three pending Illinois disciplinary complaints, and a federal lawsuit to the Hawai'i Supreme Court Board of Bar Examiners. The court characterized the conduct as multiple violations of Rules 3.3(a), 8.1(a), 8.1(b), and 8.4(c) of the Hawai'i Rules of Professional Conduct (1994).

PROCEDURAL HISTORY

The Disciplinary Board petitioned the Supreme Court of Hawai'i for an order allowing Stone to resign in lieu of discipline. The court found that Stone's affidavit satisfied the requirements of RSCH Rule 2.14, granted the petition, and ordered the related consequences of resignation, including removal from the roll of attorneys and compliance with RSCH Rule 2.16.

DISPOSITION

other

OPINION

PER CURIAM.

Electronically Filed Supreme Court SCAD-15-0000590 23-OCT-2015 08:47 AM SCAD-15-0000590 IN THE SUPREME COURT OF THE STATE OF HAWAII#I OFFICE OF DISCIPLINARY COUNSEL, Petitioner, vs. ROBERT L. STONE, Respondent. ORIGINAL PROCEEDING (ODC CASE NOS. 14-025-9168, 14-026-9769, 14-027-9170, 14-047-9200, and 14-048-9201) ORDER ALLOWING RESIGNATION IN LIEU OF DISCIPLINE (By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of the petition submitted by the Disciplinary Board of the Hawai'i Supreme Court for an order granting the request of attorney Robert Lee Stone to resign from the practice of law in lieu of discipline, and the affidavits and exhibits attached in support thereof, we note the petition is supported by Respondent Stone's affidavit, which meets the requirements of Rule 2.14(a) of the Rules of the Supreme Court of the State of Hawai'i (RSCH).

We further note Respondent Stone admits that, when he was not licensed to practice law in this jurisdiction, he did enter into representations of six separate clients in this jurisdiction, for mortgage foreclosure defense for property located in Hawai'i, and did not disclose to the Board of Bar Examiners of the Hawai'i Supreme Court two ongoing investigations against him being conducted by the Office of Consumer Protection of the State of Hawai'i Department of Commerce and Consumer Affairs, three disciplinary complaints against him pending with the Attorney Registration and Disciplinary Commission of the Supreme Court of the State of Illinois, and a lawsuit in the United States District Court for the District of Hawai'i against a former colleague, conduct which constituted multiple violations of Rules 3.3(a), 8.1(a), 8.1(b), 8.4(c) of the Hawai'i Rules of Professional Conduct (1994).

Therefore, IT IS HEREBY ORDERED, pursuant to RSCH Rule 2.14, that the petition is granted and Respondent Robert L. Stone's request to resign in lieu of discipline is granted. IT IS FURTHER ORDERED that the resignation shall become effective 30 days after the date of this order, as provided by RSCH Rules 2.14(d) and 2.16(c). IT IS FURTHER ORDERED that the Clerk of this court shall remove Respondent Stone's name from the role of attorneys licensed to practice law in this jurisdiction and, within thirty days after entry of this order, Respondent Stone shall submit to the Clerk the original certificate evidencing his license to practice law in this jurisdiction or an affidavit establishing good cause for his failure to do so.

IT IS FURTHER ORDERED that Respondent Stone shall comply with the requirements of RSCH Rule 2.16 governing disbarred attorneys and the Disciplinary Board of the Supreme Court of the State of Hawai'i shall provide notice of the disbarment as required by RSCH Rules 2.16(e) and 2.16(f). IT IS FINALLY ORDERED that Respondent Stone shall bear the costs of these proceedings upon the timely submission by ODC of a verified bill of costs, as authorized by RSCH Rule 2.3(c).

DATED: Honolulu, Hawai'i, October 23, 2015. /s/ Mark E. Recktenwald /s/ Paula A. Nakayama /s/ Sabrina S. McKenna /s/ Richard W. Pollack /s/ Michael D. Wilson 3