

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