

SUPREME COURT OF THE STATE OF HAWAII

Office of Disciplinary Counsel v. Rountree

Rountree · No. SCAD-14-0000797 · Decided July 7, 2014

SUMMARY

The Supreme Court of Hawai'i imposed reciprocal discipline and disbarred Leslie Clarke Rountree II based on his prior disbarment by the Supreme Court of California. The court found that Rountree failed to respond to the notice of reciprocal discipline and ordered him to comply with post-disbarment filing requirements and pay the costs of the proceedings.

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	July 7, 2014
DOCKET	SCAD-14-0000797
DISPOSITION	other
PROCEDURAL POSTURE	Original reciprocal-discipline proceeding initiated by the Office of Disciplinary Counsel after the Supreme Court of California disbarred Respondent.
STANDARD OF REVIEW	The court reviewed the record to determine whether reciprocal discipline was authorized and justified under RSCH Rules 2.15(c) and (d).
PRECEDENTIAL VALUE	Published per curiam order
PARTIES	Office of Disciplinary Counsel v. Leslie Clarke Rountree II

TOPICS

appellate procedure

civil procedure

remedies

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

reciprocal discipline

QUESTIONS PRESENTED

1. Whether reciprocal discipline should be imposed in Hawai'i after Respondent was disbarred by the Supreme Court of California and failed to respond to the reciprocal-discipline notice.
2. What discipline should be imposed in Hawai'i for misconduct that would constitute violations of Hawai'i's professional-conduct rules.

HOLDINGS

1. Reciprocal discipline was authorized and justified because Respondent was disbarred by the Supreme Court of California, received notice of the Hawai'i reciprocal-discipline proceeding, and failed to respond.
2. Respondent was disbarred from the practice of law in Hawai'i, effective thirty days after entry of the order.

KEY QUOTATIONS

"Therefore, IT IS HEREBY ORDERED that Respondent Leslie Clarke Rountree II is disbarred from the practice of law in this jurisdiction, pursuant to RSCH Rules 2.3(a)(1) and 2.15(c), effective thirty days after the entry of this order." (at 2)

FACTUAL BACKGROUND

The Supreme Court of California disbarred Leslie Clarke Rountree II for multiple professional misconduct violations, including incompetent representation, failure to provide services of value, inadequate supervision, failure to return unearned fees, fee sharing with nonlawyers, trust-account violations, and misappropriation of settlement funds. The Hawai'i Supreme Court served Rountree with a notice of reciprocal discipline, but he failed to respond. The court determined that the California misconduct would constitute violations of specified Hawai'i disciplinary rules if committed in Hawai'i.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel petitioned for a reciprocal discipline notice based on Respondent's California disbarment. The Hawai'i Supreme Court issued and served a reciprocal discipline notice, but Respondent did not respond by the deadline. After reviewing the record and applicable precedent, the court imposed disbarment in Hawai'i.

DISPOSITION

other

OPINION

PER CURIAM.

Electronically Filed Supreme Court SCAD-14-0000797 07-JUL-2014 10:55 AM SCAD-14-0000797 IN THE SUPREME COURT OF THE STATE OF HAWAII OFFICE OF

DISCIPLINARY COUNSEL, Petitioner, vs. LESLIE CLARKE ROUNTREE II, Respondent. ORIGINAL PROCEEDING (ODC 14-022-9165) ORDER OF DISBARMENT (By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.) Upon consideration of the Office of Disciplinary Counsel's May 2, 2014 petition for issuance of a reciprocal discipline notice to Respondent Leslie Clarke Rountree II, pursuant to Rule 2.15(b) of the Rules of the Supreme Court of the State of Hawai'i (RSCH), the memorandum, affidavit, and exhibits appended thereto, the May 8, 2014 Notice of Reciprocal Discipline issued by this court, and the record, it appears that, on December 3, 2013, the Supreme Court of California disbarred Respondent Rountree for failing to provide competent representation, failing in one instance to provide any service of value to his client, failing to properly supervise his employees, willfully failing to return unearned fees, willfully sharing a legal fee with non-lawyers, commingling his personal funds with client funds in his trust account, willfully failing to maintain client funds in a trust account and engaging in an act of moral turpitude by misappropriating for his own use and benefit settlement funds owed to a third party, which, if committed in this jurisdiction, would represent violations of HRPC Rules 1.3, 1.15(a), 1.15(c), 1.15(d), 5.3(b), 5.4(a), and 8.4(c).

It further appears that this court's May 8, 2014 Notice of Reciprocal Discipline was served on Respondent Rountree on May 15, 2014 and, by the terms of the May 8, 2014 order, RSCH Rule 2.15(b), and Rule 6(a) of the Hawai'i Rules of Civil Procedure, Respondent Rountree had until June 16, 2014 to respond to the Notice with any reasons as to why reciprocal discipline should not be imposed upon him.

Respondent Rountree has failed to respond and a review of the record and precedent demonstrates, pursuant to RSCH Rules 2.15(c) and (d), that reciprocal discipline is authorized and justified. Therefore, IT IS HEREBY ORDERED that Respondent Leslie Clarke Rountree II is disbarred from the practice of law in this jurisdiction, pursuant to RSCH Rules 2.3(a)(1) and 2.15(c), effective thirty days after the entry of this order.

2 IT IS FURTHER ORDERED that Respondent Rountree shall, in accordance with RSCH Rule 2.16(d), file with this court within 10 days after the effective date of his disbarment, an affidavit showing compliance with RSCH Rule 2.16(d). IT IS FURTHER ORDERED that Respondent Rountree shall bear the costs of these reciprocal proceedings, pursuant to RSCH Rule 2.3(c), upon the timely submission of a verified bill of costs by the Office of Disciplinary Counsel.

DATED: Honolulu, Hawai'i, July 7, 2014. /s/ Mark E. Recktenwald /s/ Paula A. Nakayama /s/ Sabrina S. McKenna /s/ Richard W. Pollack /s/ Michael D. Wilson 3