

Ethics & Issues

Reminder: Inactive Means Inactive

Attorneys who are on inactive status (or administratively suspended for failure to pay mandated bar dues and fees) cannot practice law. Writing a letter to a family member's landlord to resolve a dispute as a favor to the family, providing "informal" legal advice to a friend, or "ghostwriting" a document of legal import for a roommate are included in the proscription. Rule 5.5(a) (a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction). Lack of remuneration for the legal services, absence of harm, and/or the isolated nature of the practice of law are not defenses to the unauthorized practice of law. A single instance of law practice can, and has, resulted in the imposition of discipline. Attorneys who wish to engage in any

practice of law should always reactivate their licenses with the Hawai'i State Bar Association prior to providing legal services.

Suggestion: When an Attorney or Staff Member Leaves the Firm

It is highly recommended that whenever an attorney or staff member leaves a law firm or office, the passwords on all telephonic equipment and computers be changed to avoid any potential of compromising client confidences and funds.

Discipline Notice

The Hawai'i Supreme Court granted Honolulu attorney RICHARD E. ICENOGLE, JR's request to resign from the practice of law in lieu of discipline effective February 20, 2004. The Hawai'i Supreme Court's Order is a public record. Icenogle's affidavit (which set forth the factual allegations against him), however, remains confidential by Supreme Court Rule.

Resignation from the practice of law in lieu of discipline is a disbarment for all purposes under the Supreme Court Rules, including reinstatement.

Icenogle, 51, a graduate of the William S. Richardson School of Law, was admitted to the Hawai'i bar on May 3, 1985.

Trusteeship Notice

On February 13, 2004, the Hawai'i Supreme Court appointed Assistant Disciplinary Counsel Geoffrey M. Kam to inventory files and protect the interest of clients of deceased attorney Leighton H.C. Wong, pursuant to RSCH 2.20. Former clients of Wong may be able to recover their files by contacting the Office of Disciplinary Counsel at (808)521-4591.

Lawyers' Fund Notices

The Trustees of the Lawyers' Fund awarded the following: \$5,000.00 to Christine Takushi due to the dishonest conduct (unearned retainer) of former attorney Gary A. Modafferi; \$4,000.00 to Jack H. Riley due to the dishonest conduct (conversion) of former attorney Mark R. Thomason; and \$710.00 to Carrie S. Taramoto due to the dishonest conduct (unearned retainer) of former attorney Rhea D. Pappas.

Dan Bent Mediator & Arbitrator

Former civil litigation attorney and former United States Attorney Dan Bent now in service to the courts and counsel through:



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