

Ethics & Issues

by Carole R. Richelieu,
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Hawaii Bar Journal
September 1999

Take Note!

Pursuant to RSCH 11 (IOLTA), financial institutions are required to notify ODC of any trust account overdraft or of any check drawn on a trust account that is declined for non-sufficient funds. An alarmingly high number of overdrafts and insufficient funds checks are being reported. Any trust account violation, even if negligent, is a serious matter that can result in discipline for violation of HRPC 1.15 (handling client funds). Attorneys are asked to review their client trust accounting procedures to ensure compliance with HRPC 1.15.

Attorneys should also be aware that the following rules relating to professionalism were amended effective July 1, 1999: RSCH 2.19(b) and (h) (transfer of an attorney to inactive status will not preclude ODC's investigation); RSCH 1.13 and HRPC 7.4(c) (specialization); and RSCH 6 and HRPC 7.5 (c) (limited liability companies).

In addition, HRPC 8.3(d) became effective. This rule makes it clear that agreements and attempted agreements to conceal professional misconduct or thwart a disciplinary investigation are unethical. Ethics cannot be "horse-traded." Attorneys should review this rule carefully.

Disciplinary Board and Disciplinary Counsel Changes

The Disciplinary Board is an 18-member body nominated by HSBA and appointed by the Supreme Court of Hawaii. The newest member of the Board is non-attorney Brian S. Fujiuchi, president of Fujiuchi Investigations, Inc., and former Kauai Chief of Police.

Manuel R. Sylvester, C.P.A., retired from the Board after devoting many, many years of service to ensure professionalism in Hawaii. He will be missed.

Attorneys Rosemary T. Fazio (Board Secretary), J. Michael Seabright, and Thomas D. Welch were reappointed

as members of the Board. Non-attorneys Faith P. Evans and Mark R. Hagadone, Ph.D., were also reappointed.

The new and reappointed Board members will serve 3-year terms expiring June 30, 2002.

The 10 remaining members of the Board are (asterisks indicate non-lawyers): George D. Bussey, M.D., J.D.; Thomas E. Cook; Richard A. Coons, C.P.A.*; Geraldine N. Hasegawa; Millicent M.Y.H. Kim*; Bernice Littman (Board Chairperson); Howard K.K. Luke; Calvin Pang; Carroll S. Taylor (Board Vice-Chairperson); and Calvin E. Young. There is one (1) vacancy on the Board.

ODC is pleased to announce that Geoffrey M. Kam, Esq., has been promoted from staff attorney to Assistant Disciplinary Counsel.

Please be reminded that ODC's address is: 1132 Bishop Street, Suite 300, Honolulu, Hawaii 96813.

Notice of Reinstatement

On June 10, 1999, the Supreme Court of Hawaii reinstated Honolulu attorney SCOTT K. COLLINS. Collins had been suspended for six (6) months, pursuant to an October 30, 1998 Order of Suspension

Discipline Notices

The Supreme Court of Hawaii suspended Maui attorney THOMAS P. GRISWOLD effective June 23, 1999 for his failure to cooperate with ODC's investigations of his professional conduct in three (3) cases.

The Court also suspended former Kauai attorney THOMAS M. MEDEIROS effective June 30, 1999 for his failure to cooperate with ODC's investigation of his professional conduct in two (2) cases.

Both Griswold and Medeiros will remain suspended until further order of the Court. The investigations of the pending complaints will continue.

The Supreme Court publicly censured suspended attorney JOSEPH BERT VARGAS. The Court censured Vargas following the imposition of similar discipline by the Supreme Court of Arizona based upon Respondent's ethical misconduct during his 1995 representation of a criminal defendant, including incompetence, lack of diligence, improper termination of representation, and conduct prejudicial to the administration of justice.

The Court further ordered conditions upon Vargas's reinstatement in Hawaii.

Vargas, who resides in Arizona, was admitted to the Hawaii bar on May 3, 1985, but is suspended from the practice of law in Hawaii by prior order of the Court.

Trusteeship Notice

On May 20, 1999, the Hawaii Supreme Court appointed Assistant Disciplinary Counsel Geoffrey M. Kam Trustee to inventory files and protect the interests of clients of deceased attorney BARCLAY BRYAN, Esq., pursuant to RSCH 2.20. Current and former clients of Bryan may recover their files by contacting ODC.

New Member Benefit

Introducing Hawaiian Waters Adventure Park, the coolest place in Kapolei. Enjoy 25-acres of water attractions for the whole family plus food courts and lots of parking.

It's always summertime so come down to the HSBA office to purchase membership discount passports (adults \$22.99 and children 4-11 \$14.99). Please limit your purchases to 10 tickets per day. For more information, contact Janna Ah Sing at 537-1868.

Free Report Reveals . . .

"Why Some Hawaii Lawyers Get Rich . . . While Others Struggle To Earn A Living"

California Lawyer Reveals His \$300,000 Marketing Secret

RANCHO SANTA MARGARITA, CA— Why do some lawyers make a fortune while others struggle just to get by? The answer, according to California lawyer David Ward has nothing to do with talent, education, hard work, or even luck. "The lawyers who make the big money are not necessarily better lawyers," Ward says. "They have simply learned how to market their services."

Ward, a successful sole practitioner who at one time struggled to attract clients, credits his turnaround to a little-known marketing method he stumbled across six years ago. He tried it and almost immediately attracted a large number of referrals. "I went from dead broke and drowning in debt to earning \$300,000 a year, practically overnight."

Ward points out that although most lawyers get the bulk of their business through referrals, not one in 100 has a referral system, which, he maintains, can increase referrals by as much as 1000%. Without a system, he notes, referrals are unpredictable. "You may

get new business this month, you may not." A referral system, by contrast, can bring in a steady stream of new clients, month after month, year after year.

"It feels great to come to the office every day knowing the phone will ring and new business will be on the line," Ward says.

Ward, who has taught his referral system to nearly 2,000 lawyers throughout the U.S., says that most lawyers know little about marketing their services. The good news, he says, is that learning even a few simple marketing techniques can help any lawyer to stand out from their competition. "When that happens, getting clients is easy," he adds.

Ward has written a new report entitled, "How To Get More Clients In A Month Than You Now Get All Year!" which reveals how any lawyer can use this marketing system to get more clients and increase their income. To get a FREE copy, call 1-800-562-4627 for a 24-hour free recorded message.

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