

DISCIPLINARY BOARD
OF THE
HAWAII SUPREME COURT

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TIME: 10:53 a.m. BY: brt

**DISCIPLINARY BOARD
OF THE HAWAI'I SUPREME COURT**

OFFICE OF DISCIPLINARY COUNSEL,

Petitioner,

v.

EVERETT WALTON

Respondent.

ODC No. 14-021-9164

**DECISION AND PUBLIC REPRIMAND;
CERTIFICATE OF SERVICE**

Board Hearing:

Date: March 19, 2015

DECISION AND PUBLIC REPRIMAND

Pursuant to RSCH 2.2 et. seq., and DBR 24,¹ this matter came before the DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT ("Board") on March 19, 2014. DBF 7. Thomas F. Robertson appeared on behalf of Petitioner, Office of Disciplinary Counsel ("Petitioner" or "ODC"); and Everett Walton ("Respondent") appeared *pro se*.

After hearing and deliberation, the Board DECIDED to accept and adopt that RSCH 2.7(e) Stipulation of Facts, Conclusions of Law, and Recommendation for Discipline by and between Petitioner and Respondent, filed on February 5, 2015 ("Stipulation"). DBF 4. This matter is no longer Confidential pursuant to RSCH 2.22(a)(5).

¹ Unless otherwise noted, "RSCH" indicates the Rules of the Supreme Court of Hawai'i (1/1/2014), and "DBR" indicates the Rules of the Disciplinary Board of the Hawaii Supreme Court.

The Board has concluded that Respondent committed multiple violations of the Hawai'i Rules of Professional Conduct, specifically:

1. By filing a disclosure of compensation as attorney for his clients with the U.S. Bankruptcy Court that inaccurately stated the fee arrangement between his clients, a non-attorney entity ("the Consumer Attorneys of America"), and Respondent, Respondent violated HRPC Rule 3.3(a) and 8.4(c);

2. By sharing the fees paid by his clients with the Consumer Attorneys of America, Respondent violated HRPC Rule 5.4(a);

3. By signing "of counsel" with the Consumer Attorneys of America, Respondent violated HRPC Rule 5.4(b);

4. By assisting the Consumer Attorneys of America in the filing of the bankruptcy petition on behalf of his clients, Respondent violated HRPC Rule 5.5(b);

The foregoing violations, when viewed in light of the various factors in aggravation and mitigation, do not warrant the filing of a report with the Supreme Court, however the misconduct is too serious to be addressed by a Private Reprimand, and thus a PUBLIC REPRIMAND is warranted. Therefore:

IT IS HEREBY ORDERED that:

A. Pursuant to RSCH 2.3(a)(4) a PUBLIC REPRIMAND is the appropriate discipline to be imposed upon Respondent, and pursuant to DBR 27, a PUBLIC REPRIMAND was imposed upon Respondent by the Board on March 19, 2015. DBF 7.

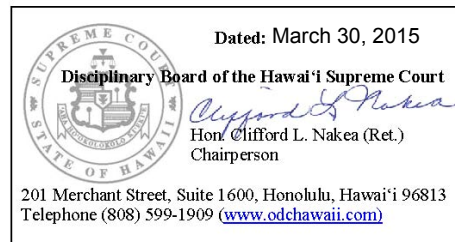
B. Pursuant to RSCH 2.3(c), Respondent shall reimburse the Board for all costs related to this proceeding. In this regard, Petitioner shall file a verified bill of

costs, with service on Respondent, not later than April 20, 2015. The Board may thereafter enter a separate Order for the payment of such costs.

C. This Decision and Order, pursuant to DBR 27(d) shall constitute a permanent record of the imposition of such a Public Reprimand upon Respondent and be served upon Respondent.

D. Respondent shall also be provided with a copy of the text of the reprimand per DBR 27(b). DBF 7.

E. Pursuant to DBR 27(f), Petitioner shall issue the appropriate press release.

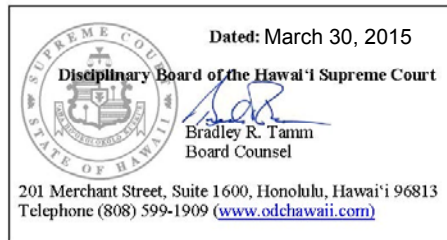


CERTIFICATE OF SERVICE

- 1. **DBF 8 – DECISION AND PUBLIC ORDER OF DISCIPLINE**
- 2. **DBF 7 – TRANSCRIPT OF PROCEEDINGS ...**

I hereby certify that the foregoing documents were filed with the Clerk of the Disciplinary Board this date, and that service of true and correct copies of same were made on the parties identified in the below service list by either:

- 1) regular U.S. Mail, postage prepaid, or
- 2) hand delivery



SERVICE LIST:

Party	1) by US mail	2) hand delivery
EVERETT WALTON Attorney at Law 190 Keawe St, Ste 27 Hilo Hi 96720 Respondent <i>pro se</i> courtesy copy to: ewaltonhilo@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>
THOMAS F. ROBERTSON, ESQ. Assistant Disciplinary Counsel 201 Merchant Street, Suite 1600 Honolulu, Hawai'i 96813 Attorneys for Petitioner courtesy copy to: thomasr@odchawaii.com	<input type="checkbox"/>	<input checked="" type="checkbox"/>