

Electronically Filed
Supreme Court
SCAD-13-0002307
22-OCT-2013
10:26 AM

SCAD-13-0002307

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

MICHAEL R. SALLING, Respondent.

ORIGINAL PROCEEDING
(ODC 09-097-8820)

I do hereby certify that the foregoing is a true, true and correct copy of the original of file in the Office of the Clerk of the Supreme Court of this State of Hawaii.

Dated, at: OCT 22 2013
Honolulu, Hawaii


Clerk, Appellate Courts, State of Hawaii

ORDER OF DISBARMENT

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon full consideration of the Disciplinary Board's report and recommendation to disbar Respondent Michael R. Salling and all the evidence in the record, this court reaches the following findings and conclusions by clear and convincing evidence; specifically, that Respondent Salling dishonestly attempted to gain fee-simple title to his client's apartment, worth approximately \$400,000 at the time, against the wishes of the client, through the use of a power of attorney he prepared for the client to execute shortly before her death, misrepresented the authenticity of the invalid deed before a notary public, recorded the invalid deed with the Land Court and Bureau of Conveyances, and misrepresented on official tax forms

that the apartment had been given to him as a gift, in an attempt to avoid the payment of taxes, each act constituting separate violations of Rule 8.4(c) of the Hawai'i Rules of Professional Conduct (HRPC) as conduct involving dishonesty, fraud, deceit and misrepresentation, and used the power of attorney in an improper attempt to secure for himself a substantial gift from the client, in violation of HRPC Rule 1.8(c). In aggravation, we find the client was a vulnerable victim, Respondent Salling had a dishonest motive, with the intent to benefit himself personally and financially at the expense of the client's estate and the beneficiary of her trust, there were multiple violations in the present matter, there is a pattern of misconduct on Salling's part designed to benefit himself during the period following the client's final stroke, Respondent Salling does not recognize the wrongful nature of his conduct or show remorse and evinces no intention to pay restitution for the damages he caused the Estate, has substantial experience in the practice of law, and was previously suspended for six months in 1993. Therefore,

IT IS HEREBY ORDERED that Respondent Michael R. Salling is disbarred from the practice of law in this jurisdiction, effective 30 days after the date of entry of this order, pursuant to Rule 2.16(c) of the Rules of the Supreme Court of the State of Hawai'i (RSCH).

IT IS FURTHER ORDERED that Respondent Salling 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) and this order.

IT IS FINALLY ORDERED that Respondent Salling shall pay all costs of these proceedings as approved upon the timely submission of a bill of costs and an opportunity to respond thereto, as prescribed by RSCH Rule 2.3(c).

DATED: Honolulu, Hawai'i, October 22, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

