

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

Dated, at APR 18 2011  
Honolulu, Hawaii

M. Fernandez

Clerk, Appellate Courts, State of Hawaii

Electronically Filed  
Supreme Court  
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SCAD-11-0000032

IN THE SUPREME COURT OF THE STATE OF HAWAII

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

FRANK M. FERNANDEZ, Respondent.

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ORIGINAL PROCEEDING

(ODC 07-172-8632, 08-004-8647, 09-016-8739, 09-017-8740,  
09-084-8807, 09-085-8808, 09-087-8810, 09-088-8811, 09-089-8812,  
09-090-8813, 10-019-8853, 10-020-8854, 10-021-8855, 10-022-8856,  
10-023-8857, 10-024-8858, 10-040-8874, 10-056-8890, 10-090-8924,  
11-003-8927, 11-004-8928)

ORDER OF INTERIM SUSPENSION

(By: Recktenwald, C.J., Nakayama and Duffy, JJ.,  
Circuit Judge Chang in place of Acoba, J., recused and  
Circuit Judge Kim, in place of Intermediate Court of Appeals  
Chief Judge Nakamura, recused)

Upon consideration of the Office of Disciplinary Counsel's petition for the interim suspension of Respondent Frank M. Fernandez from the practice of law pursuant to Rule 2.23 of the Rules of the Supreme Court of the State of Hawaii (RSCH), Respondent Fernandez's memorandum in response to our order to show cause, and the record, it appears Petitioner has presented "sufficient evidence demonstrating that an attorney has committed a violation of the Hawaii Rules of Professional Conduct and poses a substantial threat of serious harm to the public" and Respondent Fernandez has failed to show good cause as to why his license to practice law in this jurisdiction should not be

immediately suspended pending the outcome of disciplinary proceedings. Therefore,

IT IS HEREBY ORDERED that Respondent Fernandez is suspended, pursuant to RSCH Rule 2.23(a)(3), pending the outcome of the disciplinary proceedings and until further order of this court. This order is effective upon entry. In view of the fact that some pending complaints date back to 2006, it is the court's expectation that the investigation will be completed as expeditiously as possible.

IT IS FURTHER ORDERED that this order imposing interim suspension on Respondent Fernandez shall constitute a suspension of Respondent Fernandez for purposes of RSCH Rule 2.16, and Respondent Fernandez shall comply with the requirements of that rule.

IT IS FINALLY ORDERED that the Clerk shall forthwith distribute a copy of this order to all judges. Distribution may be by electronic mail.

DATED: Honolulu, Hawai'i, April 18, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ James E. Duffy, Jr.

/s/ Gary W.B. Chang

/s/ Glenn J. Kim

