

**Electronically Filed
Supreme Court
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SCAD-19-0000144

IN THE SUPREME COURT OF THE STATE OF HAWAII

DISCIPLINARY BOARD OF THE HAWAII SUPREME COURT,
Petitioner,

vs.

RICHARD T. MIYAO,
Respondent.

ORIGINAL PROCEEDING
(ODC NO. 17-O-059)

ORDER OF TRANSFER TO INACTIVE STATUS

(By: Recktenwald, C.J., Nakayama, Pollack, and Wilson, JJ.,
and Intermediate Court of Appeals Associate Judge Chan,
in place of McKenna, J., recused)

Upon review of the March 8, 2019 petition filed by the
Disciplinary Board of the Supreme Court of the State of Hawaii,
requesting this court to immediately transfer Respondent
Richard T. Miyao to inactive status, pursuant to Rules 2.19 (b)
of the Rules of the Supreme Court of the State of Hawaii (RSCH),
we conclude interim transfer to inactive status is warranted.
Therefore,

IT IS HEREBY ORDERED that Respondent Miyao is
immediately transferred to inactive status in this jurisdiction,

pursuant to RSCH Rule 2.19(c), effective with the filing of this order. Respondent Miyao shall remain on inactive status until further order of this court but may, at his discretion, apply to this court for a return to active status, pursuant to RSCH Rule 2.19(f), upon submission of evidence that he is fit to resume the practice of law.

IT IS FURTHER ORDERED that the Office of Disciplinary Counsel (ODC) shall suspend and hold in abeyance proceedings against Respondent Miyao to the extent required by RSCH Rule 2.19(h).

IT IS FURTHER ORDERED that ODC shall, within 30 days of the entry date of this order, submit to this court its opinion as to whether appointment of a trustee over Respondent Miyao's legal practice is warranted, pursuant to RSCH Rule 2.20. Respondent Miyao may also, within the same time frame, submit any information or arguments on that issue he may deem appropriate, for this court's consideration.

IT IS FURTHER ORDERED that the clerk of the court shall render the docket in this matter public, but shall, as required by RSCH Rule 2.19(i), seal all docket entries except for this instant order and any subsequent final orders transferring Respondent Miyao to inactive status, or reinstating him to practice, which shall remain public.

IT IS FURTHER ORDERED that the Disciplinary Board

shall, pursuant to RSCH Rule 2.19(d), cause a notice of this transfer to inactive status to be published in a newspaper of general circulation in the judicial circuit in which Respondent Miyao maintained his practice.

IT IS FINALLY ORDERED that the clerk of the court, pursuant to RSCH Rule 2.19(e), shall transmit a certified copy of this order to all judges of the State of Hawai'i and shall request their assistance and such action as may be indicated, pursuant to RSCH Rule 2.20, to protect the interests of both Respondent Miyao and his clients.

DATED: Honolulu, Hawai'i, March 20, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Derrick H.M. Chan

