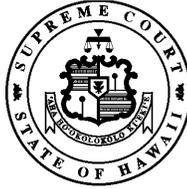


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FOR IMMEDIATE RELEASE

Date: Thursday, November 21, 2019

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PRESS RELEASE

HONOLULU, HAWAI'I - On November 21, 2019, the Hawai'i Supreme Court imposed a Public Censure upon Hawai'i Attorney Clayton C. Ikei ("Ikei") finding he improperly withheld the bulk of an award arising out of an EEOC claim from his former client for 74 days, when he knew he had no right to those funds. He used his control of the funds to attempt to obtain agreement from the former client and the former client's new attorney, to agree to pay the amount he had invoiced them for the assistance provided by him in preparing the petition for fees and costs. His conduct thus violated Hawai'i Rules of Professional Conduct (HRPC) Rules 1.15(d) and 1.15(e). The Court also found Ikei demonstrated a lack of candor by misleading the former client and his new attorney to believe Ikei would not disburse the invoiced amount to himself without their permission when, in fact, he had already done so. Ikei thus violated HRPC Rule 8.4(c). The Court noted that this violation was offset because the former client and his new attorney agreed to pay Ikei his fees and costs incurred in assisting them with the preparation of the petition and that Ikei had valid grounds for asserting a claim to the disputed funds. The Court concluded that the \$6,695.47 in funds remained in dispute and, therefore, should have remained in the client trust account until such time as the parties took steps to resolve the dispute. See Comment [3] to HRPC Rule 1.15.

In aggravation, that Ikei has two prior minor disciplinary violations; evinced a dishonest or selfish motive; committed multiple violations; refused to acknowledge the wrongful nature of his conduct; and had substantial experience in the practice of law. In mitigation, the Court found that Ikei made a full and free disclosure; evinced a cooperative attitude in the disciplinary proceedings; and has a good reputation of character in the legal community. The Court then concluded that the mitigating factors

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outweighed the aggravating factors and noted that this disciplinary matter arose from a single incident at the conclusion of Ikei's legal career. Noting that the record supports the conclusion that Ikei has now entered retirement from the practice of law, the Court ordered Ikei publicly censured, pursuant to RSCH Rule 2.3(a)(3). Ikei is also ordered to bear the costs of these disciplinary proceedings.

While the Public Censure does not prevent Mr. Ikei from continuing to practice law, it may result in more serious sanctions for future violations of the rules of professional conduct.

Mr. Clayton C. Ikei, age 72, was admitted to the Hawai'i bar in 1973, and is a graduate of the University of Southern California, James Gould School of Law. If there are any questions, please contact me at (808) 469-4026.

Case information: ODC v. Clayton C. Ikei, SCAD-19-0000055

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