

**Electronically Filed  
Supreme Court  
SCAD-19-0000416  
29-JUN-2020  
10:08 AM**

SCAD-19-0000416

IN THE SUPREME COURT OF THE STATE OF HAWAII

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OFFICE OF DISCIPLINARY COUNSEL,  
Petitioner,

vs.

SUZANNE T. TERADA,  
Respondent.

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ORIGINAL PROCEEDING  
(ODC NOS. 16-O-008, 16-O-049, 16-O-365)

ORDER OF SUSPENSION

(By: Recktenwald, C.J., Nakayama, J.,  
and Circuit Judge Ochiai, in place of Mckenna, J., recused,  
with Pollack, J., dissenting, with whom Wilson, J., joins)

Upon consideration of the June 3, 2019 report of the  
Disciplinary Board of the Hawai'i Supreme Court, the briefing  
submitted by Respondent Suzanne T. Terada and the Office of  
Disciplinary Counsel (ODC), and the record in this matter, we  
make the following Findings of Fact by clear and convincing  
evidence, and reach the following Conclusions.

In ODC Case No. 16-O-008, we find that the record  
contains sufficient evidence to demonstrate that the Office of  
Disciplinary Counsel failed to carry its burden of demonstrating



that Respondent Terada failed to explain the purpose of the \$25,000.00 paid by her client into her client trust account, to be held in contingency for the final costs associated with the closure of the estate of the client's mother. In all other respects, we confirm the Findings of the Disciplinary Board in its report. We therefore conclude that, in Case No. 16-O-008, Respondent Terada's conduct violated Rules 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.15(d), and 1.16(d) of the Hawai'i Rules of Professional Conduct (HRPC) (2014).

In Case No. 16-O-049, we confirm the Findings of the Disciplinary Board in its report, and therefore conclude the Respondent's conduct violated HRPC Rules 1.15(d), 1.15(e), and 8.4(c).

In Case No. 16-O-365, we confirm the Findings of the Disciplinary Board and conclude that Respondent Terada's conduct therefore violated HRPC Rules 1.1, 1.4(a)(3), 1.4(a)(4), 1.16(d), and 8.4(c), but also conclude a review of the record demonstrates, as alleged by the Office of Disciplinary Counsel, that the Respondent signed an affidavit that she knew did not represent the truth and knew, or should have known, that it would be submitted to the bankruptcy court, in violation of HRPC Rule 3.3(a)(1).

In particular, we note the Board's Finding, based upon the Hearing Officer's role as finder of fact, that the Respondent acted with wilful intent in two of the client matters, and caused, or threatened to cause, financial and other injuries to all three clients. Absent mitigating circumstances, such conduct warrants disbarment. See, e.g., ODC v. Cusmano, No. 22770 (January 5, 2000).

In aggravation, we find that Respondent's conduct

evinced a pattern of misconduct (of delay, a refusal to act with diligence, and a refusal to communicate with others), multiple offenses, deceptive conduct during the disciplinary proceedings, and a refusal to acknowledge the wrongful nature of her conduct. We also find one of her clients was vulnerable, and that she has substantial experience in the practice of law.

In mitigation, we find the Respondent has a strong record of community service, has a clean disciplinary record, and bore extraordinary personal stressors during the relevant time that were a factor in her failure to communicate or act with diligence, and which mitigate against a more severe discipline. Nevertheless, we conclude a period of suspension is warranted. Therefore,

IT IS HEREBY ORDERED that Respondent Suzanne Terada is suspended from the practice of law for a period of eighteen months, effective 30 days after the entry date of this order, as provided by Rules 2.3(a) (2) and 2.16(c) of the Rules of the Supreme Court of the State of Hawai'i (RSCH).

IT IS FURTHER ORDERED that Respondent Terada shall, within 10 days after the effective date of her suspension, file with this court an affidavit that she has fully complied with RSCH Rule 2.16(d).

IT IS FURTHER ORDERED that Respondent Terada shall complete an audit of her practice, by the Practicing Attorney Liability Management Society or similar organization, within 60 days of the commencement of her suspension and shall file a declaration with ODC and the Disciplinary Board within 30 days after completion of the audit, attesting to its successful completion, though an extension shall be available based upon demonstration of good cause.

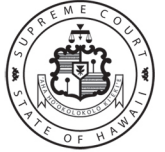
IT IS FURTHER ORDERED that Respondent Terada shall bear the cost of the disciplinary proceedings, upon approval by this court of a timely filed verified bill of costs from ODC, pursuant to RSCH Rule 2.3(c).

DATED: Honolulu, Hawai'i, June 29, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Dean E. Ochiai



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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

SUZANNE T. TERADA, Respondent.

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ORIGINAL PROCEEDING

(ODC NOS. 16-O-008, 16-O-049, 16-O-365)

DISSENTING ORDER

(By: Pollack, J., in which Wilson, J., joins)

I respectfully dissent.

I believe the 18-month suspension imposed by the majority on Respondent Suzanne T. Terada is excessive under the circumstances. While Respondent's conduct caused unnecessary delay in resolving these cases and disruption to the clients' plans, the clients were ultimately made whole financially as clients' funds were delivered, disbursed, or returned to the appropriate parties, and the cases were resolved. In none of the three cases did Respondent seek or obtain any financial gain or profit from her conduct.



In my view, attorneys who have engaged in what appears to be more serious misconduct have received lesser periods of suspension from this court. See, e.g., Office of Disciplinary Counsel (ODC) v. Ragan, No. SCAD-19-0000656 (Jan. 30, 2020) (suspending attorney for one year and one day and ordering attorney pay \$30,445.00 in restitution to former clients); ODC v. Sibilila, No. SCAD-16-0000843 (Feb. 17, 2017) (suspending attorney for 90 days where attorney misappropriated \$12,933.69 from three clients in two matters due to gross neglect); ODC v. Jervis, No. SCAD-14-0000899 (Oct. 12, 2015) (suspending attorney for six months where attorney had previously been disciplined and had accepted a \$100,000 loan from a client with unfair terms and conditions); ODC v. Bertelmann, No. SCAD-12-0000950 (Feb. 15, 2013) (suspending attorney for one year and one day after misappropriating client funds, neglecting a client matter, failing to initially respond to ODC inquires, and failing to return files to an abandoned client).

Additionally, the Disciplinary Board found Terada to have an outstanding record of community service, a clean disciplinary record, and faced extraordinary personal stressors that coalesced in the timeframe of her misconduct. I believe that these mitigating factors warranted a less severe sanction than that imposed upon Respondent. See Bertelmann, No. SCAD-12-

0000950 (finding as mitigating circumstances that attorney had clean disciplinary record, a reputation for community service, and was suffering from a serious medical condition at the time of the misconduct); Jervis, No. SCAD-14-0000899 (pro bono work served as mitigating factor).

Accordingly, I would impose upon Terada a six-month suspension from the practice of law, as well as fees and costs connected with the disciplinary matter and other such conditions as required by the Rules of the Supreme Court.

DATED: Honolulu, Hawai'i June 29, 2020.

/s/ Richard W. Pollack

/s/ Michael D. Wilson

