☐ DISCIPLINARY BOARD
☐ OFFICE OF DISCIPLINARY COUNSEL
☐ RECEIVED, ☐ FILED, ☐ LODGED
DATE: 10/28/2021 , TIME: 2 :20 P.m.
CASE NO.: 21-9001

DKT. NO.: DBF 11

CLERK: __fhee

DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT

OFFICE OF DISCIPLINARY COUNSEL,

DB No. 21-9001 (ODC No. 16-0-314)

Petitioner,

V.

EMMANUEL G. GUERRERO,

Respondent.

IMPOSITION OF A PUBLIC REPRIMAND BY THE DISCIPLINARY BOARD OF THE HAWAII SUPREME COURT

In a society governed by the "rule of law," practicing attorneys are licensed by, and officers of, the courts. They must be honest and trustworthy. Their conduct is conscribed by rules and in Hawaii they are bound to uphold the Rules of the Supreme Court of Hawaii, the Rules of Professional Conduct, and the Hawaii Rules Governing Trust Accounting in order to protect our constitutional system and the public.

When a licensed attorney breaches rules of conduct, it is a serious matter and the appropriate sanction is determined by either the Disciplinary Board of the Hawaii Supreme Court or

by the Hawaii Supreme Court itself depending upon the gravity and consequences of the breach.

In this case the facts and the breaches of the rules of conduct were agreed upon by Respondent Emmanuel G. Guerrero and the Office of Disciplinary Counsel and submitted to the Disciplinary Board along with a joint recommendation for the proposed sanction of a Public Reprimand.

Emmanuel G. Guerrero admitted to violating

Professional Conduct Rule 1.15(c) by removing unearned client

funds from his client trust account.

He admitted to violating Supreme Court Rule 11(c)(1)

(A), Professional Conduct Rule 1.15(a) and Rules Governing Trust

Accounting 4(a) by co-mingling his funds with client funds in

his client trust account.

He admitted to violating Professional Conduct Rule

1.15(d) by failing to deposit unearned retainer monies into his

client trust account and by failing to provide proper accounting

notice to his client.

He admitted to violating Professional Conduct Rules 1.15(a), 1.15(f) and Rules Governing Trust Accounting 4(c) by failing to maintain proper trust account records.

After weighing the stipulated facts establishing no harm to clients; the stipulated aggravating factors of past discipline, a pattern of multiple offense misconduct and substantial experience in the practice of law; and the stipulated mitigating factors of the no dishonest motive, full cooperation with the disciplinary process, an unattributable delay in the process created by COVID 19, and Respondent's expressions of remorse; the Disciplinary Board accepts and adopts the terms of the Settlement Agreement DBF 2 and, imposes hereby a PUBLIC REPRIMAND with conditions as stipulated.

Dated: October 28, 2021

Disciplinary Board of the Hawai'i Supreme Court

Hon/ Clifford L. Nakea (Ret.) Chairperson

201 Merchant Street, Suite 1600, Honolulu, Hawai'i 96813 Telephone (808) 599-1909 (www.dbhawaii.org)

CERTIFICATE OF SERVICE

I hereby certify that a file-stamped copy of an IMPOSITION OF A PUBLIC REPRIMAND BY THE DISCIPLINARY BOARD OF THE HAWAII SUPREME COURT filed on October 28, 2021, was duly made by postage prepaid mail, or by hand-delivery on October 28, 2021, upon the following:

Harrison Lee Kiehm, Esq.
Law Office of Harrison L. Kiehm
8 S King Street, Suite 202-B
Honolulu, HI 96813
Attorney for Respondent Emmanuel G. Guerrero

Chloe M. R. Fasi, Esq.
Deputy Chief Disciplinary Counsel
Office of Disciplinary Counsel
201 Merchant Street, Suite 1600
Honolulu, HI 96813
Counsel for Office of Disciplinary Counsel

DATED: Honolulu, Hawaii, October 28, 2021

FAYE F. HEE

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DISCIPLINARY BOARD ADMINISTRATIVE DIRECTOR