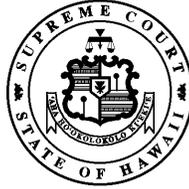


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FOR IMMEDIATE RELEASE

Date: Wednesday, January 18, 2023

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PRESS RELEASE

HONOLULU, HAWAI'I - On January 17, 2023, the Hawai'i Supreme Court imposed a two-year suspension from the practice of law upon Honolulu attorney Erik W. Kvam for his conduct in connection with the 2010 representation of a Japanese corporation doing business in Hawai'i.

In 2010, Kvam failed to communicate the basis or rate of his fees to a new client within a reasonable time after commencing the representation, then invoiced, and received from, his client \$59,750.00 for 59.75 hours of legal work, asserting a rate of \$1,000.00 an hour, thereby charging an unreasonable fee. Kvam, also failed to act in the best interest of his corporate client, by failing to consult with a higher authority at the corporation when confronted by, and conceding to, an employee's request both for a cash commission for assisting with securing the representation and for the drafting of an indemnity agreement of extraordinary scope and breadth to indemnify the employee against the interests of the corporation, and invoicing his client for the preparation of the indemnity agreement.

For representing to the corporation that the entirety of the \$59,750.00 fee paid to him was for legal services, when a significant portion was instead paid to the employee as a commission, Kvam engaged in conduct involving dishonesty, fraud, deceit or misrepresentation. Kvam also violated the rules by paying a prohibited referral fee in the nature of a "commission."

The supreme court adopted the Disciplinary Board's finding of aggravating and mitigating factors; finding in aggravation Kvam's dishonest or selfish motive, multiple violations of the rules of professional conduct, and refusal to acknowledge the wrongful nature of his conduct. In mitigation, the court noted the absence of a prior disciplinary record.

The supreme court concurred with the Disciplinary Board's finding that Kvam's conduct was knowing and intentional and caused serious injury to his client and that under the American Bar Association Standards for Imposing Lawyer Sanctions, his conduct warrants disbarment. However, the court also found that based upon the particulars of the record, Kvam's clean disciplinary record prior to this matter to be of persuasive significance. Therefore, the supreme court imposed a two-year suspension from the practice of law, to be effective 30-days after entry of the order of suspension.

Effective immediately, Kvam shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, between January 17, 2023 and February 16, 2023 he may wind up and complete, on behalf of any client, all matters that were pending on January 17, 2023. During that time, he is required to promptly notify all of his clients, and any attorneys for any adverse party in any pending litigation, of his suspension and consequent inability to act as an attorney. By February 16, 2023, Kvam shall surrender to all clients all papers and property to which the clients are entitled and any advance payments of fees that have not been earned.

Kvam was admitted to the Hawai'i bar in 2003, and is a graduate of Georgetown University. He is also admitted in New York (1985) and California (2002). If there are any questions, please contact ODC Chief Counsel Bradley Tamm at (808) 469-4026.

Case information: *ODC v. Erik W. Kvam*, SCAD-22-00000380

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