

**Electronically Filed
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SCAD-23-0000254

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

JOHN MATTHEW SCHUM, (HI Bar #8525),
Respondent.

ORIGINAL PROCEEDING
(ODC Case No. 18-0130)

ORDER

(By: Recktenwald, C.J., McKenna, and Eddins JJ.,
and Intermediate Court of Appeals Associate Judge Hiraoka,
in place of Nakayama, J., recused, and Intermediate Court
of Appeals Associate Judge Wadsworth,
assigned by reason of vacancy)

Upon consideration of Respondent John Schum's May 23,
2023 reply to the May 1, 2023 Notice & Order entered by this
court in this matter, pursuant to Rule 2.15 of the Rules of the
Supreme Court of the State of Hawai'i (RSCH), the exhibits
appended thereto, the June 19, 2023 response filed by Petitioner
Chloe Fasi, Deputy Disciplinary Counsel at the Office of
Disciplinary Counsel, the July 23, 2023 sur-reply from
Respondent Schum and the exhibits appended thereto, and the



record in this matter, we conclude that, given the nature and seriousness of the misconduct engaged in by Respondent Schum, which he concedes was concerted, intentional, and dishonest, he has failed to demonstrate that the reasons for the California discipline no longer exist, pursuant to RSCH Rule 2.15(c)(3), and conclude that no other provision of RSCH Rule 2.15(c) applies to warrant departure from imposing the same or substantially similar discipline in this jurisdiction. We note that Respondent Schum's May 23, 2023 reply and his July 23, 2023 sur-reply, and his accompanying exhibits, were filed under seal, and note that RSCH Rule 2.22(f) establishes that documents submitted to this court in disciplinary proceedings are generally public, absent other justification for sealing the document provided by statute or court rule. We further note that Petitioner Fasi filed the item at Docket 20 under seal, conclude that it qualifies as an ODC file rendered confidential by RSCH Rule 2.22(a), and further conclude that no exception pursuant to RSCH Rule 2.22(a)(1) through (8) renders it public. Finally, we clarify and confirm that this court, in arriving at its disciplinary decision in this matter, did not consider the submission from ODC at Docket 20 or the materials at Docket 21:23, as the instant matter is an RSCH Rule 2.15 proceeding and those materials implicate an RSCH Rule 2.7 proceeding.

Therefore,

IT IS HEREBY ORDERED that Respondent Schum is suspended from the practice of law for one year, with that suspension held in abeyance pending completion of a one-year probationary period from the entry date of this order. Respondent Schum's probation shall not conclude, however, until he has submitted proof of payment of any costs of the reciprocal disciplinary proceedings in this jurisdiction and proof of his return to good-standing in California.

IT IS FURTHER ORDERED that Respondent Schum shall serve an actual 60-day suspension from the practice of law, effective 30 days from the entry date of this order.

IT IS FURTHER ORDERED that Respondent Schum shall, at the initiation of that 60-day period of suspension, comply with the duties imposed by RSCH Rule 2.16 upon a suspended attorney, including by filing the affidavit or declaration required by RSCH Rule 2.16(c) within 10 days after the effective date of his suspension.

IT IS FURTHER ORDERED that Schum shall provide to ODC his regular probationary reports, submitted by him to the California disciplinary authorities.

IT IS FURTHER ORDERED that Respondent Schum shall bear any costs of these disciplinary proceedings, upon the approval by this court of a timely submitted Verified Bill of Costs, pursuant to RSCH Rule 2.3(c).

IT IS FURTHER ORDERED that Respondent Schum is notified that any violation of the probationary conditions imposed in California or by this court may result in the imposition of the suspended one-year suspension from practice.

IT IS FURTHER ORDERED that Respondent Schum shall file unsealed in the record, within 10 days after the entry date of this order, public versions of Dockets 11, 12, 29, and 30, with any redactions of information he asserts is confidential, including account information found at Docket 30:55, though such redactions may be subject to challenge. See Oahu Publ'ns Inc. v. The Honorable Barbara Takase, 139 Hawai'i 236, 247-48, 386 P.3d 873, 884-85 (2016).

DATED: Honolulu, Hawai'i, September 13, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Keith K. Hiraoka

/s/ Clyde J. Wadsworth

