

DISCIPLINARY BOARD
 OFFICE OF DISCIPLINARY COUNSEL
 RECEIVED, FILED, LODGED
DATE: 05/29/2025, TIME: 2:06pm
CASE NO.: DB 23-9004
DKT. NO.: **DBF 27**
CLERK: fh

DISCIPLINARY BOARD OF THE HAWAI‘I SUPREME COURT

In re:

CLARENCE M. VIRTUE, HSBA NO. 8717,
Respondent.

DB No. 23-9004
(ODC No. 21-0141)

PUBLIC REPRIMAND and
CERTIFICATE OF SERVICE

PUBLIC REPRIMAND

Mr. VIRTUE, by order of the Hawai‘i Supreme Court, you have been summoned before the Lawyer Disciplinary Board meeting, in public session, for the imposition of this Public Reprimand.

Your offending conduct with the filing on the public record papers that contained information that was attorney-client privileged. In the abstract, this type of disclosure represents serious attorney misconduct, and in the appropriate circumstances could warrant severe attorney discipline. However, a review of the record in the underlying proceeding led the Supreme Court to conclude that based

on mitigating circumstances, the agreed-upon discipline between you and the Office of Disciplinary Counsel of this Public Reprimand is warranted.

First, you have no prior disciplinary record and you expressed remorse for your misconduct. It appears the offending conduct was an isolated incident.

Second, in mitigation leading up to your decision to file the papers on the public record, apparently the presiding judge granted you permission to make a record and file information to clarify matters.

Third, as further mitigation, it appears that you made the offending filings based on an obvious misapplication of the Hawaii Rules of Professional Conduct, Rule 1.6 (b)(4) because in this case your breach of the attorney-client privilege could not have been “reasonably believed necessary”.

Fourth, you cooperated with the Office of Disciplinary Counsel as evidenced by your stipulation for discipline.

You plainly went too far in filing papers with attorney-client privileged information on the public record but the aforementioned mitigating factors warrant entry of this Public Reprimand by the Disciplinary Board.

For your conduct and violation of the Hawaii Rules of Professional Conduct, you are hereby Reprimanded and this Reprimand shall be public as prescribed in Rule 2.3 of the Rules of the Supreme Court of Hawai‘i and Rule 27 of the Rules of the Disciplinary Board.

This portion of the Public Reprimand, having been imposed in the presence of the Disciplinary Board, the matter shall be transmitted to the Disciplinary Board Administrative Director for publication and distribution required by rule. You shall be provided with a written copy of this Public Reprimand and this portion of the matter is concluded.

DATED: May 29, 2025.

DISCIPLINARY BOARD OF THE HAWAI‘I
SUPREME COURT



JEFFREY P. MILLER
CHAIRPERSON

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CERTIFICATE OF SERVICE

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I hereby certify that a true and correct copy of a PUBLIC REPRIMAND filed on May 29, 2025, was duly served by U.S. Mail, First Class, postage prepaid, pursuant to RSCH Rule 2.11(b), on May 29, 2025, upon the following:

By First Class Mail, postage prepaid:

Clarence M. Virtue, Esq.
1400 Kelton Avenue, Apt. 111
Los Angeles, CA 90024
Respondent, *pro se*

By personal service:

Dana M. Harada, Esq.
Ray Kong, Esq.
Office of Disciplinary Counsel
201 Merchant Street, Suite 1600
Honolulu, Hawai‘i 96813
Attorneys for Office of Disciplinary Counsel

DATE: Honolulu, Hawai‘i, May 29, 2025



FAYE F. HEE
Disciplinary Board Administrative
Director