

I do hereby certify that the foregoing is a full, true and correct copy of the original on file in the Office of the Clerk of the Supreme Court of the State of Hawaii.

Dated at:
Honolulu, Hawaii

MAY 27 2011


Clerk, Appellate Courts, State of Hawaii

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SCAD-10-0000250

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

SCOTT T. STRACK, Respondent.

ORIGINAL PROCEEDING
(ODC 08-056-8699, 09-096-8819)

ORDER OF SUSPENSION

(By: Recktenwald, C.J., Nakayama, Acoba, and Duffy, JJ.,
and Intermediate Court of Appeals Chief Judge Nakamura,
assigned by reason of vacancy)

We have considered the Disciplinary Board's Report and Recommendation submitted to this court in the matter of Office of Disciplinary Counsel v. Strack that Respondent Strack be suspended from the practice of law in this jurisdiction for a period of one year and one day. We have also given due consideration to the arguments set forth in the briefs filed by both parties in the matter.

It appears that Respondent Strack missed important deadlines in an ongoing immigration matter due to a lack of diligence and then failed to act to correct his lack of diligence in a responsible and timely manner or to refund any of the fees associated with his mistake, causing real harm to the interests of his client. It also appears that Respondent Strack failed to

communicate with his clients in a timely manner, misused client funds, failed to maintain required paperwork involving client monies or to manage client funds as required by the Hawai'i Rules of Professional Conduct, improperly organized his practice as an LLC, and misrepresented the nature of his law offices, resulting in multiple violations of Hawai'i Rules of Professional Conduct Rules 1.1, 1.3, 1.4(a), 1.15(b), (c), (d), (e), (f)(3), (g)(1), (g)(2), (g)(7), (g)(8) and (g)(9), 7.5(f), and 8.4(a), as well as the Rules of the Supreme Court of the State of Hawai'i (RSCH) Rule 6(g). Therefore,

IT IS HEREBY ORDERED that Respondent Strack is suspended from the practice of law in this jurisdiction for one year and one day, effective 30 days after the entry of this order, as provided by RSCH Rule 2.16(c).

IT IS FURTHER ORDERED that Respondent Strack, in addition to the requirements of RSCH Rules 2.16 and 2.17, as a condition of reinstatement, is required to successfully complete a Practicing Attorneys Liability Management Society (PALMS) program or its equivalent and to reimburse Petitioner for all costs ordered upon a timely submitted bill of costs and any objections thereto.

DATED: Honolulu, Hawai'i, May 27, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Craig H. Nakamura

