

DISCIPLINARY BOARD
OF THE
HAWAII SUPREME COURT

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TIME: 12:41 p.m. BY: brt

**DISCIPLINARY BOARD
OF THE HAWAII SUPREME COURT**

OFFICE OF DISCIPLINARY COUNSEL,

Petitioner,

v.

PAUL E. BOOTH

Respondent.

ODC No. 14-060-9203

**DECISION AND PUBLIC REPRIMAND;
CERTIFICATE OF SERVICE**

Board Hearing:

Date: July 31, 2015

DECISION AND PUBLIC REPRIMAND

Pursuant to RSCH 2.2 et. seq., and DBR 24,¹ this matter came before the DISCIPLINARY BOARD OF THE HAWAII SUPREME COURT (“Board”) on July 31, 2015. DBF 9. Thomas F. Robertson appeared on behalf of Petitioner, Office of Disciplinary Counsel (“Petitioner” or “ODC”); Paul E. Booth (“Respondent”) appeared *pro se. Id.*

After hearing and deliberation, the Board decided to adopt in part, and reject in part, the parties Stipulation of Facts, Conclusions of Law, and Discipline, filed on March 30, 2015 (“Stipulation”). DBF 3. The Stipulation was submitted pursuant to RSCH 2.7(e). *Id.* This matter is no longer Confidential pursuant to RSCH 2.22(a)(5). DBF 6.

¹ Unless otherwise noted, “RSCH” indicates the Rules of the Supreme Court of Hawaii, and “DBR” indicates the Rules of the Disciplinary Board of the Hawaii Supreme Court.

The Board having accepted the stipulated facts and conclusions of law finds that Respondent committed multiple violations of the Hawai'i Rules of Professional Conduct ("HRPC") in connection with a decedent estate matter in which Respondent represented two clients. Specifically:

1. By failing to properly record a deed with the Bureau of Conveyances for over one year, and by failing to resolve the decedent estate's credit card debt with the lender for over one and one-half years, Respondent violated HRPC Rule 1.3 (a lawyer shall act with reasonable diligence and promptness in representing a client);

2. By failing to respond to numerous phone calls and emails from one client concerning Respondent's representation of that client and her co-client sister, Respondent violated HRPC Rule 1.4(a) (a lawyer shall promptly comply with reasonable requests for information);

3. By failing to provide any accountings to his joint clients, Respondent violated HRPC Rule 1.15(f) (3) (a lawyer shall render appropriate accounts to clients concerning funds the clients gave to the lawyer);

4. By failing to timely reply to Petitioner's multiple requests for a response to his client's complaint and documentation, Respondent violated HRPC Rule 8.1(b)(a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority) and HRPC Rule 8.4(d)(a lawyer shall not fail to cooperate during the course of an ethics investigation).; and,

5. By violating the foregoing Rules of Professional Conduct, Respondent violated HRPC 8.4(a).

The foregoing violations, when viewed in light of the various factors in aggravation and mitigation, do not warrant the filing of a report with the Supreme Court, however the misconduct is too serious to be addressed by the Private Reprimand recommended by the parties Stipulation. Having carefully deliberated on this matter, the Board concludes that a PUBLIC REPRIMAND is warranted. Public pronouncement is necessary because Respondent's conduct deserves to be shared with those attorneys in the community who may be in a similar situation, so that they may learn from Respondent's shortcomings, and understand that the failure to timely respond to a client's inquiries or to timely communicate with them, is serious misconduct. Therefore:

IT IS HEREBY ORDERED that:

A. Pursuant to RSCH 2.3(a)(4) a PUBLIC REPRIMAND is the appropriate discipline to be imposed upon Respondent, and, pursuant to DBR 27, a PUBLIC REPRIMAND was imposed upon Respondent by the Board on July 31, 2015.

B. Respondent, at his own cost and expense, shall complete a continuing legal education (CLE) course in trust accounting by November 30, 2015 (online educational programs are acceptable). Within thirty days of the completion of such CLE, Respondent shall file a declaration of completion supported by documentation.

C. Pursuant to RSCH 2.3(c), Respondent shall reimburse the Board for all costs related to this proceeding. In this regard, Petitioner shall file and serve, a verified bill of costs, not later than September 21, 2015. The Board may thereafter enter a separate Order for the payment of such costs.

D. Petitioner shall monitor Respondent's compliance with the terms of this Order, and not later than January 29, 2016, file an appropriate report.

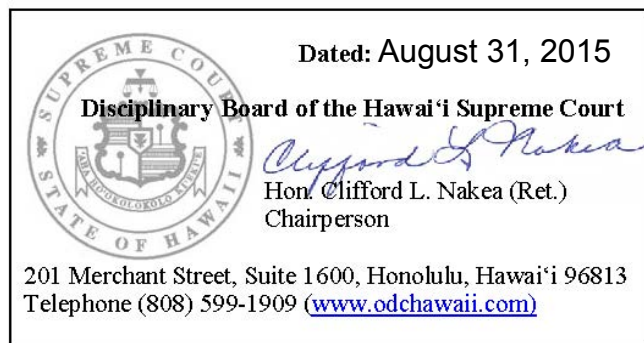
IT IS FURTHER ORDERED that:

E. Given that the Public discipline imposed by this Order differs from the Private discipline that was proposed in the Stipulation, DBR 27(c) does not apply, and Respondent has 10 days from the entry and service of this Order to reject, by service on the Board of a written notice of rejection, the imposition of this Public Reprimand.

F. Should Respondent reject this Public Reprimand, the Board will promptly transmit this matter to the Supreme Court for disposition pursuant to DBR 27(b)(iii).

G. Should Respondent accept, or fail to timely reject, this Order, pursuant to DBR 27:

- i. this Order shall constitute a permanent record of the imposition of such a Public Reprimand upon Respondent,
- ii. this Order shall be served upon Respondent, together with a copy of the text of the reprimand,
- iii. a copy of this Order shall be provided to the Complainants,
- iv. Petitioner shall issue an appropriate press release.

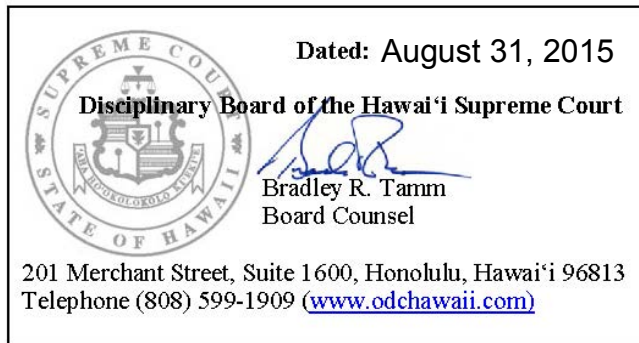


CERTIFICATE OF SERVICE

1. **DECISION AND PUBLIC ORDER OF DISCIPLINE**
2. **TRANSCRIPT OF PROCEEDINGS**

I hereby certify that the foregoing documents were filed with the Clerk of the Disciplinary Board this date, and that service of true and correct copies of same were made on the parties identified in the below service list by either:

- 1) regular U.S. Mail, postage prepaid, or
- 2) hand delivery



SERVICE LIST:

Party	1) by US mail	2) hand delivery
PAUL E. BOOTH Law Offices P.O. Box 1658 Hilo HI 96721 Respondent <i>pro se</i> courtesy copy to: pb2835@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>
YVONNE R. SHINMURA Acting Chief Disciplinary Counsel 201 Merchant Street, Suite 1600 Honolulu, Hawai'i 96813 Attorneys for Petitioner courtesy copy to: yvones@odchawaii.com	<input type="checkbox"/>	<input checked="" type="checkbox"/>