

Before the
DISCIPLINARY BOARD
of the
HAWAI'I SUPREME COURT

OFFICE OF DISCIPLINARY COUNSEL,) ODC 07-183-8643
)

Petitioner,)

v.)

WILLIAM FENTON SINK,)

Respondent.)
_____)

DISCIPLINARY BOARD
OF THE
HAWAII SUPREME COURT

RECEIVED

31 March 2011

DAY MONTH YEAR

TIME: 3:45 pm BY *du*

PUBLIC REPRIMAND

On January 27, 2011, this Board conducted a hearing regarding the matter of Office of Disciplinary Counsel vs. William Fenton Sink, ODC No. 07-183-8643. This matter reached the Board by way of the Proposed Stipulation of Facts, Conclusions of Law, and Discipline filed on November 4, 2010.

Upon conclusion of the hearing, the Board:

1. accepted the Proposed Stipulation of Facts and Conclusions of Law;
2. rejected the Proposed Discipline;
3. informed the parties that it would impose upon Mr.

Sink:

- a. a Public Reprimand;
- b. the payment of costs;
- c. the completion of seven hours of MCPE; and

d. the issuance of letters of apology to Judge Karen S.S. Ahn and retired Chief Justice Ronald T.Y. Moon; and

4. informed the parties that either party could reject a Public Reprimand within ten days and that if a timely rejection was made that the Board would submit a report to the Hawai'i Supreme Court recommending the above disposition.

To date, neither party has rejected the Board's decision to impose a Public Reprimand and therefore we are here today for that purpose.

Mr. Sink, we understand and appreciate that since your admission in 1984, you have practiced law in this jurisdiction without being disciplined by this Board, also that in these proceedings you have provided complete disclosure and have been fully cooperative, and also that you have been remorseful as indicated in part by your openness and cooperation and your sua sponte offer to provide letters of apology and complete MCPE credits.

However, the seriousness of your conduct requires that your discipline be "public" so that everyone, the legal community and the public whom we serve, is made aware that such conduct is not acceptable and will not be tolerated.

The conduct to which I refer is the submission of court documents in two First Circuit cases containing the following statements:

1. Judge Ahn "has a bias in favor of corporations and insurance companies, bends over backwards to curry the favor of big business," and "countenances lawyers who are paid by insurance companies."
2. "How we in the civil bar got stuck with Judge Ahn to begin with, I have been informed, was tied, in part to her political friendships."
3. Judge Ahn intentionally did not tell Respondent that a hearing had been taken off calendar because of his views on Korea.
4. "Judge Ahn is a coolie to big business. Judge Ahn is a bigot and unfair."
5. "... Judge Ahn ... has a bias in favor of corporations and insurance companies, and ..., has held that the defense can hide all the evidence they want, ... and the Plaintiffs has to turn over everything,... This judge engages in ex parte conversations with lawyers."
6. "Judge Ahn bends over backwards to help big business, because she is a social climber."
7. "Yet another canon related to judges addresses the issue of Judge Ahn's concern for the welfare of-and this almost unbelievable, but of all places-Korea."
8. "It is disconcerting that the flag of Korea is displayed on a judge's desk."
9. "It makes no difference to Plaintiff's counsel what Judge Ahn's political sentiments are, but Plaintiff's counsel fears his comments in the past about Korea may affect Judge Ahn's rulings, especially since the Chief Justice also has delicate feelings about being Korean."

10. "Judge Ahn is rude and crude."
11. "Judge Ahn defended the practices of AIG, and countenanced the bad faith behavior of one of its agents...".
12. "The only reason Judge Ahn wants to stay on this case is to continue to rule in favor of AIG and against Plaintiff because of Judge Ahn's bias against William Fenton Sink."
13. "Judge Ahn's display of the Korean flag on her desk coupled with Chief Justice Moon's '100% Korean' business implies an invidious discriminatory pattern."
14. "Judge Ahn was not replaced as a Civil Judge by the Honorable Rhonda Nishimura because "[w]e do know [that][Hawai'i Supreme Court] Chief Justice Moon has his own agenda."
15. "We do know that Chief Justice Moon has his own agenda to advance Koreans over haoles and Japanese."

Many of your quoted statements were repeated, in essence if not verbatim, in both cases.

In uttering these statements, you violated the HRPC as follows:

1. You failed to verify or to make reasonably diligent inquiry to determine that your statements were factually accurate. You made conclusory statements regarding Judge Ahn and Chief Justice Moon relying on rumors, innuendo, hearsay, and your own subjective perceptions. Thereby you violated HRPC 3.1;

2. Your statements were made with reckless disregard as to their truth intending, in part, to embarrass, delay, burden, or harass Judge Ahn and Chief Justice Moon apparently because of their

Korean descent. Thereby you violated HRPC 3.5(b);

3. You engaged in conduct which was intended or reasonably likely to disrupt a tribunal. Thereby you violated HRPC 3.5(c);

4. You made these statements knowing that they were false or with reckless disregard as to their truth concerning the qualifications or integrity of Judge Ahn and Chief Justice Moon. Thereby you violated HRPC 8.2; and

5. As a result of violating the aforementioned sections, you also violated HRPC 8.4(a).


The Board is confident that you have learned from this experience, unfortunately, at a considerable cost to yourself. At your expense, the legal community is put on notice and the public informed of our expectations of the bar.

You shall comply with all of the conditions imposed by the Board in its decision announced on January 27, 2011, and filed on February 14, 2011.

Mr. Sink, you are hereby publically reprimanded.

DATED: Honolulu, Hawai'i, March, 31, 2011.

DISCIPLINARY BOARD OF THE
HAWAI'I SUPREME COURT

By 
HON. CLIFFORD L. NAKEA (Ret.)
CHAIRPERSON, DISCIPLINARY BOARD
OF THE HAWAI' SUPREME COURT