

DISCIPLINARY BOARD
OF THE
HAWAII SUPREME COURT
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Before the
DISCIPLINARY BOARD
of the
HAWAI'I SUPREME COURT

TIME: 12:15pm BY JM

OFFICE OF DISCIPLINARY
COUNSEL,

Petitioner,

v.

ROBIN R. HORNER

Respondent.

FOR PUBLIC RELEASE

ODC NO. 11-065-8989
12-028-9044

DECISION AND PUBLIC ORDER OF DISCIPLINE

and

CERTIFICATE OF SERVICE

DISCIPLINARY BOARD OF THE
HAWAI'I SUPREME COURT
1132 Bishop Street, Suite 300
Honolulu, Hawai'i 96813
Telephone: (808) 599-1909

**Before the
DISCIPLINARY BOARD
of the
HAWAI'I SUPREME COURT**

OFFICE OF DISCIPLINARY
COUNSEL,

Petitioner,

v.

ROBIN R. HORNER

Respondent.

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ODC NO. 11-065-8989
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DECISION AND PUBLIC ORDER OF DISCIPLINE

Pursuant to RSCH 2.3(a)(4), and DBR 27,¹ this matter came before the DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT ("Board") on March 28, 2013, and after hearing and deliberation, the Board DECIDED to accept and adopt the Settlement Agreement and Stipulation of Agreed-Upon Facts, Violations of the Rules of Professional Responsibility, Factors in Aggravation and Mitigation, Case Authority, and Recommended Discipline filed on February 26, 2013 ("Settlement"), which was the result of a Voluntary Settlement Conference conducted by Board member Irwin J. Schatz, M.D. as Settlement Officer.

This matter is no longer Confidential pursuant to RSCH 2.22(a)(5), (6) and (7).

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.

As to ODC Case No. 11-065-8989, there is insufficient evidence to support a finding that Respondent violated the Hawai'i Rules of Professional Conduct ("HRPC") and that case should be dismissed. However, there is sufficient evidence to show that Respondent committed multiple violations of the HRPC in ODC Case No. 12-028-9044, specifically:

1. HRPC 8.4(a) (it is professional misconduct for a lawyer to violate the Rules of Professional Conduct);
2. HRPC 8.4(b) (it is professional misconduct for a lawyer to commit a criminal act) by violating HRS § 231-35 (willful failure to file general excise tax returns on three separate occasions):

Therefore, it appearing that a PUBLIC REPRIMAND is warranted,

IT IS HEREBY ORDERED that:

- A. ODC Case No. 11-065-8989 is dismissed.
- B. As to ODC Case No. 12-028-9044, a PUPUBLIC REPRIMAND is the appropriate discipline to be imposed upon Respondent, and such a PUBLIC REPRIMAND was imposed upon Respondent by the Board on March 28, 2013.
- C. Respondent shall reimburse the Board for all costs related to this proceeding pursuant to RSCH 2.3(c).

This Decision and Order, pursuant to DBR 27(d) shall constitute a permanent record of the imposition of such a Public Reprimand upon Respondent

and be served upon Respondent. Respondent shall also be provided with a copy of the text of the reprimand per DBR 27(b). Finally, pursuant to DBR 27(f), Petitioner shall issue the appropriate press release.

Dated: Kapa'a, Kauai, Hawai'i, APRIL 6, 2013,

DISCIPLINARY BOARD OF THE
HAWAI'I SUPREME COURT

By *Clifford L. Nakea*
HON. CLIFFORD L. NAKEA (Ret.)
CHAIRPERSON

1132 Bishop Street, Suite 300
Honolulu, Hawai'i 96813
Telephone: (808) 599-1909

ODC v. Robin R. Horner; ODC No. 11-065-8989 and 12-028-9044

DECISION AND PUBLIC ORDER OF DISCIPLINE

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DISCIPLINARY BOARD
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ROBIN R. HORNER

Respondent.

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ODC NO. 11-065-8989
12-028-9044

CERTIFICATE OF SERVICE

1. **DECISION AND PUBLIC ORDER OF DISCIPLINE**
2. **[NOT FOR PUBLIC RELEASE] TEXT OF PRIVATE REPRIMAND**

I hereby certify that a copy of the foregoing documents was filed with the Clerk of the Disciplinary Board this date, and service was made by regular U.S.

Mail, postage prepaid, as follows:

Robin R. Horner
RRH & Associates
735 Bishop Street, Suite 401
Honolulu HI 96813

Respondent, pro se;

and by hand-delivery to:

JANET S. HUNT, ESQ.
Chief Disciplinary Counsel
MARK L. BRADBURY, ESQ.
Assistant Disciplinary Counsel
1132 Bishop Street, Suite 300
Honolulu, Hawai'i 96813
Telephone: (808) 599-1909

Attorney for Petitioner.

Dated: Honolulu, Hawai'i, April 8, 2013,

DISCIPLINARY BOARD OF THE
HAWAII SUPREME COURT

By



BRADLEY R. TAMM,
Board Counsel

1132 Bishop Street, Suite 300
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