

NO. 21929

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

ARTHUR K. TRASK, JR., Respondent.

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(ODC 99-174-6004)

ORDER OF SUSPENSION

(By: Moon, C.J., Levinson, Nakayama, Acoba, JJ.,  
and Circuit Judge Chan, assigned by reason of vacancy)

Upon consideration of the Disciplinary Board's report and recommendation for the suspension of Respondent Arthur K. Trask, Jr. (Respondent Trask), from the practice of law, the record, and the parties' briefs, we conclude Petitioner Office of Disciplinary Counsel (Petitioner ODC) proved by clear and convincing evidence that, while Respondent Trask represented Lynette H. Fernandez (Ms. Fernandez) in a personal injury matter, Respondent Trask failed to diligently prosecute Ms. Fernandez's claim in violation of

- HRPC Rule 1.3 (requiring a lawyer to act with reasonable diligence and promptness in representing a client), and
- HRPC Rule 8.4(a) (prohibiting a lawyer from violating the rules of professional conduct).

Respondent Trask failed to notify Ms. Fernandez of his January 19, 1999 suspension from the practice of law in Hawai'i, and Respondent Trask failed to promptly advise Ms. Fernandez that she should seek legal advice elsewhere, as Rule 2.16(a) of the

Rules of the Supreme Court of Hawai'i (RSCH) required, in violation of

- HRPC Rule 1.3 (requiring a lawyer to act with reasonable diligence and promptness in representing a client),
- HRPC Rule 1.4(a) (requiring a lawyer to keep a client reasonably informed about the status of a matter),
- HRPC Rule 1.4(b) (requiring a lawyer to explain a matter to a client to permit the client to make informed decisions regarding legal representation),
- HRPC Rule 1.16(a) (1) (prohibiting a lawyer from representing a client if the representation will result in a violation of the rules of professional conduct),
- HRPC Rule 1.16(d) (requiring a lawyer, upon termination of representation, to take reasonably practicable steps to protect a client's interests), and
- HRPC Rule 8.4(a) (prohibiting a lawyer from violating the rules of professional conduct).

Respondent Trask failed to file an affidavit of compliance with the January 19, 1999 suspension order pursuant to RSCH Rule 2.16(d), in violation of

- HRPC Rule 3.4(e) (prohibiting a lawyer from knowingly disobeying an obligation under the rules of a tribunal), and
- HRPC Rule 8.4(a) (prohibiting a lawyer from violating the rules of professional conduct).

Respondent Trask failed to respond to (a) Petitioner ODC's several requests to respond in writing to Ms. Fernandez's complaint, and (b) Petitioner ODC's subpoena duces tecum, in

violation of

- HRPC Rule 3.4(e) (prohibiting a lawyer from knowingly disobeying an obligation under the rules of a tribunal),
- HRPC Rule 8.1(b) (prohibiting a lawyer from knowingly failing to respond to a lawful demand by Petitioner ODC),
- HRPC Rule 8.4(a) (prohibiting a lawyer from violating the rules of professional conduct), and
- HRPC Rule 8.4(d) (requiring a lawyer to cooperate with Petitioner ODC during the course of an ethics investigation).

In addition, Respondent Trask has demonstrated a disturbing pattern of professional misconduct, as evidenced by his professional misconduct that resulted in Petitioner ODC's letter of informal admonition dated June 2, 1993, Petitioner ODC's letter of informal admonition dated December 9, 1996, and the January 19, 1999 order suspending Respondent Trask from the practice of law for one year and one day in supreme court case number 21929. Therefore,

IT IS HEREBY ORDERED that Respondent Arthur K. Trask is suspended from the practice of law in this jurisdiction for a period of two (2) years, effective thirty (30) days after entry of this order, as provided by RSCH Rule 2.16(c).

DATED: Honolulu, Hawai'i, February 28, 2003.