

NO. 24083

IN THE SUPREME COURT OF THE STATE OF HAWAII

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

CHRISTOPHER FERRARA, Respondent.

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(ODC 00-370-6716)

ORDER OF SUSPENSION

(By: Moon, C.J., Levinson, Nakayama, JJ., and Circuit Judge Marks, in place of Duffy, J., recused, with Acoba, J. dissenting)

Upon consideration of the record and Respondent Christopher D. Ferrara's response to our reciprocal discipline notice, it appears that: (1) on October 1, 2003, the Supreme Court of California suspended Respondent Ferrara from the practice of law for five years due to a United States District Court felony conviction for violating 18 U.S.C. § 1957 (engaging in monetary transactions involving property derived from specified unlawful activity); (2) the California suspension order stayed execution of the five year suspension subject to the conditions of probation, including a 42-month actual suspension retroactive to April 22, 2002, the effective date of Ferrara's interim California suspension; (3) RSCH 2.15(c) requires this court to impose the identical discipline upon Respondent unless this court finds that upon the face of the record upon which the discipline is predicated it clearly appears (i) the California procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process, or (ii) there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not,

consistent with its duty, accept as final the California court's conclusion on that subject, or (iii) the misconduct established warrants a substantially different discipline in this state; and (4) there is no basis in this record upon which to find a lack of due process, an infirmity of proof, or that such discipline is unwarranted in this jurisdiction. It further appears that a forty-two (42) month suspension, with the conditions imposed by the California Supreme Court, is the identical discipline in Hawai'i. See RSCH 2.3(2). Therefore,

IT IS HEREBY ORDERED, pursuant to RSCH 2.15(c), that Respondent Christopher D. Ferrara is suspended from the practice of law for a period of forty-two (42) months, effective thirty (30) days after entry as provided by RSCH 2.16(c).

IT IS FURTHER ORDERED that Respondent Ferrara shall comply with the conditions imposed by the Supreme Court of California in its order of suspension filed on October 1, 2003, and Respondent Ferrara shall not be reinstated in Hawai'i unless and until he is first reinstated in California.

IT IS FINALLY ORDERED that Respondent Ferrara shall pay all costs of this proceeding and shall comply with the requirements of RSCH 2.16. Respondent Ferrara shall not resume the practice of law until he is reinstated, pursuant to RSCH 2.17(b).

DATED: Honolulu, Hawai'i, May 7, 2004.