

NO. 24947

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

JON CURTIS YOSHIMURA, Respondent.

(ODC 99-511-6341)

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

We have considered the Disciplinary Board's Report and Recommendation for the suspension of Respondent Jon Curtis Yoshimura from the practice of law for a period of six (6) months, the hearing committee's recommendation for a suspension of one (1) month, and the record. The Disciplinary Board's findings of fact and conclusions of law are supported by the record. We impose a six (6) month suspension.

In sum, while holding public office as a City and County of Honolulu Councilmember, Respondent Yoshimura made false statements to journalists on two occasions regarding the issue whether he had been drinking alcohol immediately prior to a July 13, 1999 automobile collision. These false statements violated Rules 8.4(a) and 8.4(c) of the Hawai'i Rules of Professional Conduct (HRPC). When Petitioner Office of Disciplinary Counsel (ODC) investigated Respondent Yoshimura's false statements, Respondent Yoshimura made false statements to Petitioner ODC on at least three occasions regarding the issue whether he had been drinking alcohol immediately prior to his July 13, 1999 automobile collision. These misrepresentations violated HRPC Rules 8.1(a), 8.4(a), 8.4(c), and 8.4(d).

The Disciplinary Board adopted the hearing committee's findings of fact and conclusions of law, which acknowledged as mitigating factors that Respondent Yoshimura eventually recanted his false statements and expressed sincere remorse for his misconduct. Although Respondent Yoshimura's misconduct harmed the law profession and the integrity of the legal process, his misconduct did not cause any loss or damage to a client. In consideration of the appropriate sanction, we have carefully considered the mitigating factors found by the hearing committee and the Disciplinary Board. We view a lawyer's misrepresentations as a matter of extreme gravity, particularly when the lawyer holds public office. HRPC Rule 8.4 comment 4 ("Lawyers holding public office assume legal responsibilities going beyond those of other citizens."). But for the mitigating factors, our grave concerns regarding a lawyer's misrepresentations would have resulted in a significantly greater sanction. In light of the above,

IT IS HEREBY ORDERED that Respondent Jon Curtis Yoshimura is suspended from the practice of law in this jurisdiction for a period of six (6) months, effective thirty (30) days after entry of this order, as provided by Rule 2.16(c) of the Rules of the Supreme Court of the State of Hawai'i.

DATED: Honolulu, Hawai'i, April 11, 2002.