

NO. 25227

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OFFICE OF DISCIPLINARY COUNSEL,  
Petitioner,

vs.

NIKOLAI TEHIN, JR.,  
Respondent.

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(ODC 04-024-8004)

ORDER OF DISBARMENT

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

Upon consideration of (1) Petitioner Office of Disciplinary Counsel's (Petitioner ODC) July 14, 2004 ex parte petition for issuance of reciprocal discipline notice to Respondent Nikolai Tehin, Jr. (Respondent Tehin), the supporting memorandum, affidavit, and exhibits attached thereto, (2) our August 4, 2004 notice and order pursuant to Rule 2.15(b) of the Rules of the Supreme Court of Hawai'i (RSCH) requiring Respondent Tehin to inform this court within thirty days of his claim(s) and the reason(s) therefor as to why reciprocal disbarment in the State of Hawai'i would be unwarranted, (3) Chief Disciplinary Counsel Carole R. Richelieu's August 19, 2004 affidavit regarding Petitioner ODC's attempts to serve Respondent Tehin with the July 14, 2004 ex parte petition and the August 4, 2004 notice and order by way of certified mail at the business address that Respondent Tehin provided to the Hawai'i State Bar Association (HSBA) in Respondent Tehin's 2002 HSBA Attorney Registration Statement pursuant to RSCH Rule 17(d), (4) Respondent Tehin's lack of response to the August 4, 2004 notice and order, and

(5) the record, it appears that on February 10, 2004, the Supreme Court of California accepted Respondent Tehin's voluntary resignation from the practice of law in California in lieu of discipline pursuant to Rule 960 of the California Rules of Court. In California, resignation from the practice of law in lieu of discipline is tantamount to disbarment for the purpose of reinstatement. See, e.g., Hippard v. State Bar of California, 782 P.2d 1140, 1144 n.4 (Cal. 1990) (When a former attorney seeks reinstatement after having "resigned with disciplinary proceedings pending against him[,] the "distinction [between disbarment and resignation from the practice of law] does not significantly affect this case."). When resignation in lieu of discipline is tantamount to disbarment for the purpose of reinstatement in another jurisdiction, "it is tantamount to disbarment for purposes of reciprocal discipline in Hawaii." Office of Disciplinary Counsel v. Hurley, 71 Haw. 254, 256, 787 P.2d 688, 690 (1990); RSCH Rule 2.14(d) ("Resignation in lieu of discipline is a disbarment for all purposes under these rules, including reinstatement."). Therefore, reciprocal discipline in the form of disbarment is warranted in Hawai'i pursuant to RSCH Rule 2.15(c). Accordingly,

IT IS HEREBY ORDERED that, pursuant to RSCH Rule 2.15(c), Respondent Nikolai Tehin, Jr. (attorney number 3081), is disbarred from the practice of law in the State of Hawai'i, effective thirty (30) days after entry of this order. See RSCH Rule 2.14(d); RSCH Rule 2.16(c).

IT IS FURTHER ORDERED that (1) the Clerk of the Supreme Court of Hawai'i shall remove Respondent Tehin's name from the role of attorneys licensed to practice law in this jurisdiction

and (2) within thirty (30) days after entry of this order, Respondent Tehin shall submit to the Clerk of the Supreme Court of Hawai'i the original certificate evidencing his license to practice law in this jurisdiction.

IT IS FINALLY ORDERED that (1) Respondent Tehin shall comply with the requirements of RSCH Rule 2.16 and (2) the Disciplinary Board of the Hawai'i Supreme Court shall provide notice to the public and judges, as RSCH Rule 2.16 requires.

DATED: Honolulu, Hawai'i, October 5, 2004.