

NO. 25600

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

HERMAN H.M. LING, Respondent.

(ODC NOS. 00-028-6374, 00-142-6488, 01-414-7158, 01-416-7160,
01-420-7164, 01-421-7165, 01-422-7166, 01-423-7167,
01-424-7168, 01-425-7169, 01-426, 7170, 01-427-7171, 01-428-7172,
02-006-7204, 02-068-7266, 02-069-7267, 02-070-7268, 02-150-7348,
02-162-7360, 02-166-7364, 02-305-7503, 02-346-7544

ORDER DENYING PETITION FOR THE IMMEDIATE SUSPENSION
OF RESPONDENT FROM THE PRACTICE OF LAW PURSUANT TO RSCH 2.12A
(By: Levinson, J., for the court¹)

Upon consideration of the record and of Petitioner Office of Disciplinary Counsel's petition for the immediate suspension of Respondent Herman H.M. Ling from the practice of law for failure to cooperate with an investigation of disciplinary matters, it appears that: (1) Respondent Ling was suspended from the practice of law, pursuant to Rule 2.12A of the Rules of the Supreme Court of the State of Hawai'i ("RSCH"), on June 18, 2003; (2) the order of suspension has not been vacated or modified; (3) the suspension order effectively prohibits Respondent Ling from practicing law during the Office of Disciplinary Counsel's investigation of these disciplinary matters; and (4) an additional suspension, pursuant to RSCH

¹ Considered by: Moon, C.J., Levinson and Nakayama, JJ., Circuit Judge Hifo, in place of Acoba, J., who is unavailable, and Circuit Judge Milks, assigned by reason of vacancy.

2.12A, could have no practical effect that is different from the existing suspension. Therefore,

IT IS HEREBY ORDERED that the petition for the immediate suspension of Respondent Herman H.M. Ling from the practice of law pursuant to RSCH 2.12A(b) is denied without prejudice. Should a motion to vacate the existing suspension order be filed or a subsequent RSCH 2.12A petition be filed if the existing suspension order is vacated, the Office of Disciplinary Counsel may at that time raise an appropriate opposition.

DATED: Honolulu, Hawai'i, July 2, 2003.

FOR THE COURT:

STEVEN H. LEVINSON
Associate Justice