

NO. 26762

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

WILLIAM E.H. TAGUPA, Respondent.

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(ODC 04-074-8054)

NOTICE AND ORDER GRANTING EX PARTE PETITION FOR ISSUANCE OF  
RECIPROCAL DISCIPLINE NOTICE PURSUANT TO RSCH RULE 2.15

(By Levinson, J., for the court<sup>1</sup>)

Upon consideration of Petitioner Office of Disciplinary Counsel's (Petitioner ODC) August 19, 2004 ex parte petition for issuance of reciprocal discipline notice to Respondent William E.H. Tagupa (Respondent Tagupa), the memorandum, affidavit, and exhibits attached thereto, it appears that, in In re William E.H. Tagupa, Misc. No. MC04-00188 DAE LEK, the United States District Court for the District of Hawai'i entered an order on July 30, 2004, that publicly reprimanded Respondent Tagupa and suspended Respondent Tagupa from the practice of law for a period of six months. The United States District Court for the District of Hawai'i based the public reprimand and suspension on Respondent Tagupa's admission that he willfully mutilated government property on June 14, 2004, by tearing out for his personal use pages from documents owned and maintained by the Martin Pence Court Library located within the United States District Court for the District of Hawai'i. Under these circumstances, Rule 2.15(b)

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<sup>1</sup> Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.

of the Rules of the Supreme Court of the State of Hawai'i (RSCH) requires us to issue a notice and order that we will impose identical discipline in the State of Hawai'i unless Respondent Tagupa can show cause under RSCH Rule 2.15(c) as to why we should not impose identical discipline. Petitioner ODC additionally requests permission to serve Respondent Tagupa with this notice and order by certified mail pursuant to RSCH Rule 2.11(a) in the event that Petitioner ODC cannot effectuate personal service. Therefore,

IT IS HEREBY ORDERED that Petitioner ODC's August 19, 2004 petition is granted. Petitioner ODC shall serve Respondent William E.H. Tagupa (attorney number 4421) with (1) a copy of the United States District Court for the District Court of Hawaii's July 30, 2004 order of public reprimand and suspension and (2) a copy of this notice and order. Pursuant to RSCH Rule 2.15(c), Respondent Tagupa shall inform this court within thirty (30) days from service of this notice and order of Respondent Tagupa's claim(s) and the reason(s) therefor as to why identical discipline in the State of Hawai'i would be unwarranted.

IT IS FURTHER ORDERED that Petitioner ODC's request to serve Respondent Tagupa by certified mail pursuant to RSCH Rule 2.11(a) is denied, because Petitioner ODC has neither asserted nor shown that Respondent Tagupa "cannot be found within the state or has departed therefrom[.]" RSCH Rule 2.11(a). This denial is without prejudice to a future request to serve Respondent Tagupa by certified mail that Petitioner ODC bases on

a satisfactory showing that Respondent Tagupa cannot be found within the state or has departed therefrom.

DATED: Honolulu, Hawai'i, September 2, 2004.

FOR THE COURT:

STEVEN H. LEVINSON  
Associate Justice