

NO. 23895

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL, Petitioner

vs.

STEPHEN A. LEVINE, Respondent

(ODC 97-195-5389)

ORDER DENYING REINSTATEMENT

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

Upon consideration of Respondent Stephen A. Levine's petition for reinstatement to the practice of law, filed January 16, 2004, and the record and files in this case, it appears that Respondent Levine filed his Rules of the Supreme Court of the State of Hawai'i (RSCH) 2.16(d) affidavit two years late and admitted that he practiced law while suspended. While we appreciated Respondent Levine's candor in this matter, we concluded that Respondent Levine could not show proof, by clear and convincing evidence, that he had complied with our November 14, 2001 suspension order, as required by RSCH 2.17(b) for reinstatement. On February 12, 2004, we denied Respondent Levine's petition for reinstatement to the practice of law in the State of Hawai'i and remanded this case to the Disciplinary Board for investigation, appropriate proceedings, and recommendation with regard to further discipline, if any, and reinstatement.

It appears that the Office of Disciplinary Counsel filed a petition in ODC 03-313-7913 on March 17, 2005, and the

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case is moving along, albeit slowly, with the result that Respondent Levine's suspension has been effectively extended to three (3) years, ten (10) months, although he was suspended for only six (6) months. Therefore, upon consideration of Respondent Levine's amended affidavit, the Office of Disciplinary Counsel's response to our February 12, 2004 order, and the record and files in this case,

IT IS HEREBY ORDERED that Respondent Stephen A. Levine's petition for reinstatement to the practice of law in the State of Hawai'i is denied pending disposition of ODC 03-313-7913 by the Disciplinary Board.

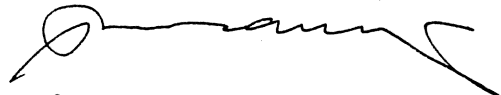
IT IS FURTHER ORDERED that the Disciplinary Board shall cause ODC 03-313-7913 to be heard and determined and transmit its report and recommendation to this court within sixty (60) days after entry of this order.

DATED: Honolulu, Hawai'i, October 17, 2005.



Steven H. Levinson

Fauna A. Nakayama



Barbara E. Duggan