

NO. 26910

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,
 vs.
 THOMAS S. LEONG,, Respondent.

KAWAHAU
STATE COURTS

2005 APR -4 PM 1:32

FILED

(ODC 03-115-7715)

ORDER OF DISBARMENT

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

Upon consideration of (1) the Disciplinary Board's report and recommendation for the disbarment of Respondent Thomas S. Leong (Respondent Leong), (2) Respondent Leong's lack of objection as exhibited by the lack of a request by Respondent Leong to file briefs pursuant to Rule 2.7(d) of the Rules of the Supreme Court of Hawai'i (RSCH), and (3) the record, we conclude that Petitioner Office of Disciplinary Counsel (Petitioner ODC) proved by clear and convincing evidence that, while Respondent Leong represented Joni Sliwoski and Carl Sliwoski, Respondent Leong committed the following violations of the Hawai'i Rules of Professional Conduct (HRPC):

- one violation of HRPC Rule 1.1 (requiring a lawyer to provide competent representation to a client)
- one violation of HRPC Rule 1.3 (requiring a lawyer to act with reasonable diligence);
- one violation of HRPC Rule 1.4(a) (requiring a lawyer to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information);

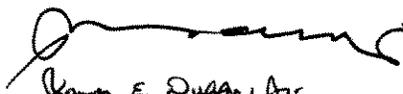
- two violations of HRPC Rule 1.15(a)(1) (requiring a lawyer in private practice to maintain a trust account separate from business or personal accounts);
- one violation of HRPC Rule 1.15(b) (requiring a lawyer in private practice to prominently label each trust account, as well as deposit slips and checks drawn thereon, as "client trust account");
- two violations of HRPC Rule 1.15(c) (prohibiting a lawyer from commingling client funds with the lawyer's own funds);
- two violations of HRPC Rule 1.15(c) (prohibiting a lawyer from misappropriating client funds for the lawyer's own use and benefit);
- two violations of HRPC Rule 1.15(c) (requiring a lawyer to deposit unearned or disputed client funds into a client trust account);
- two violations of HRPC Rule 1.15(d) (requiring a lawyer to deposit all client funds and unearned retainer fees into a client trust account);
- one violation of HRPC Rule 3.2 (requiring a lawyer to make reasonable efforts to expedite litigation consistent with the legitimate interests of the client);
- one violation of HRPC Rule 3.3 (a)(4) (prohibiting a lawyer from knowingly offering evidence that the lawyer knows to be false);
- one violation of HRPC Rule 3.4 (b) (prohibiting a lawyer from falsifying evidence);

- one violation of HRPC Rule 8.1(a) (prohibiting a lawyer in connection with a disciplinary matter from knowingly making a false statement of material fact);
- six violations of HRPC Rule 8.4(a) (prohibiting a lawyer from violating the Hawai'i Rules of Professional Conduct); and
- three violations of HRPC Rule 8.4(c) (prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

We hereby accept and adopt the hearing committee's findings of fact and conclusions of law for ODC 03-115-7715. We hereby adopt the Disciplinary Board's recommendation to disbar Respondent Leong. Cf. Office of Disciplinary Counsel v. Lau, 85 Hawai'i 212, 216, 941 P.2d 295, 299 (1997) ("[W]here misconduct is severe and extensive and includes misappropriation of clients' funds, it would be difficult, if not impossible, to establish sufficiently strong evidence of mitigation to warrant a penalty lesser than disbarment." (Citation omitted)). Therefore,

IT IS HEREBY ORDERED that Respondent Thomas S. Leong (attorney number 6002) is disbarred from the practice of law in Hawai'i, effective thirty (30) days after entry of this order, as RSCH Rule 2.16(c) provides.

DATED: Honolulu, Hawai'i, April 4, 2005.


 Steven D. Levinson
 Puna C. Kakuanaone

 Pamela E. Duggan, Jr.