

NO. 30099

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

STEVEN B. SONGSTAD, Respondent.

ORIGINAL PROCEEDING

(ODC 06-088-8428, 08-008-8651, 08-030-8673,
09-043-8766, 09-044-8767, 09-045-8768, 09-079-8802, 09-083-8806)

ORDER DENYING MOTION TO STRIKE AND
GRANTING PETITION FOR THE IMMEDIATE SUSPENSION OF
RESPONDENT STEVEN B. SONGSTAD

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

Upon consideration of the record, it appears that (1) Respondent Steven B. Songstad is the subject of an investigation by Disciplinary Counsel, (2) on October 19, 2009, we entered an order directing Respondent Songstad to show cause as to why he should not be suspended, pursuant to Rule 2.12A of the Rules of the Supreme Court of the State of Hawai'i (RSCH), from the practice of law for failing to cooperate with Disciplinary Counsel's investigation, (3) on October 24, 2009, Respondent Songstad was duly served with our October 19, 2009 order to show cause, (4) on November 13, 2009, we granted Respondent Songstad's late motion for extension of time in part, and allowed Respondent Songstad to file a response to our October 19, 2009 order by November 20, 2009, (5) the courts were closed on Friday, November 20, 2009, (6) on Monday, November 23, 2009, Respondent Songstad filed a timely response to our October 19, 2009 order, (7) on December 12, 2009, the Office of Disciplinary Counsel moved to strike Respondent Songstad's November 23, 2009 response; and (8) on December 8, 2009, Respondent Songstad filed a reply to the Office of Disciplinary Counsel's motion to strike Respondent

Songstad's response. We have carefully reviewed the record and conclude that the record with respect to the ICA/Goings Matter is insufficient to reach a conclusion, but with regard to the other matters we conclude Respondent Songstad has not shown that he has cooperated with Counsel's investigation and has not shown good cause for his failure to do so. Therefore,

IT IS HEREBY ORDERED that, pursuant to RSCH 2.12A, Respondent Steven B. Songstad is suspended from the practice of law in this jurisdiction, effective immediately.

IT IS FURTHER ORDERED that Respondent Songstad may move this court for reinstatement upon evidence, by affidavit and/or exhibit, of full compliance with the Office of Disciplinary Counsel's requests for information. The Office of Disciplinary Counsel shall respond to any such motion in accordance with Rule 27 of Hawai'i Rules of Appellate Procedure.

IT IS FINALLY ORDERED that the Office of Disciplinary Counsel's motion to strike Respondent Songstad's November 23, 2009 memorandum in opposition is denied.

DATED: Honolulu, Hawai'i, January 14, 2010.