

**Electronically Filed
Supreme Court
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SCAD-12-0000822

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

HARRY E. ELIASON, Respondent.

ORIGINAL PROCEEDING
(ODC 10-058-8892)

ORDER OF SUSPENSION

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of the Report and Recommendation of the Disciplinary Board of the Supreme Court of the State of Hawai'i, the Stipulation of Facts, Conclusions of Law and Proposed Recommendation for Discipline reached by Respondent Harry E. Eliason and the Office of Disciplinary Counsel (ODC), and the record, it appears Respondent Harry E. Eliason failed to communicate with his client in a timely manner, failed to maintain a client trust account, failed to deposit unearned client funds into a client trust account but, rather, commingled unearned client funds with his personal funds, failed to maintain financial records of the receipt and disbursement of client funds, and failed to properly withdraw from representation or

provide a refund to his client in a timely manner, in violation of Rules 1.4(a), 1.15(a)(1), 1.15(a)(2), 1.15(c), 1.15(d), 1.15(f)(3), and 1.16(d) of the Hawai'i Rules of Professional Conduct. In aggravation, we find Respondent Eliason has a single prior discipline, a 2003 informal admonition, committed multiple violations in the present matter, and has substantial experience in the practice of law. In mitigation we find Respondent Eliason fully and freely cooperated with ODC and the Disciplinary Board throughout the proceedings, agreed to participate in a Voluntary Settlement Conference, and expressed remorse for his actions. Therefore, it appearing suspension is warranted,

IT IS HEREBY ORDERED that Respondent Harry E. Eliason is suspended for a period of 45 days from the practice of law in this jurisdiction, effective 30 days after the date of entry of this order, as authorized by Rules 2.3(a)(2) and 2.16(d) of the Rules of the Supreme Court of the State of Hawai'i (RSCH).

IT IS FURTHER ORDERED that Respondent Eliason shall complete, at his own expense, a course on the appropriate management of client funds, including an audit of Respondent Eliason's general and client trust accounts, offered by the Practicing Attorneys Liability Management Society, within 180 days after of the date of entry of this order, and shall submit proof of completion to this court and to the Disciplinary Board within 10 days of completion of said course.

IT IS FURTHER ORDERED that Respondent Eliason shall submit an affidavit demonstrating compliance with RSCH Rule 2.16(d) within 10 days after the effective date of his

suspension.

IT IS FURTHER ORDERED that Respondent Eliason shall pay all costs of the proceedings, as approved upon a timely submission of a bill of costs, as authorized by RSCH Rule 2.3(c).

IT IS FURTHER ORDERED that the Disciplinary Board shall remind Respondent Eliason that he may not resume the practice of law until reinstated by order of this court, pursuant to RSCH Rule 2.17.

DATED: Honolulu, Hawai'i, January 23, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

