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Supreme Court  
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NO. 30099

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

STEVEN B. SONGSTAD, Respondent.

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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, 09-101-8824,  
10-004-8838, 10-005-8839, 10-035-8869, 10-037-8871, 11-028-8952)

ORDER

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

Upon consideration of the record and the June 3, 2013 motion filed by Petitioner Office of Disciplinary Counsel (ODC), the affidavit and exhibits attached thereto, and the April 17, 2013 order of disbarment entered by this court in *ODC v. Songstad*, SCAD-13-0000057, it appears Respondent Steven B. Songstad was disbarred by order of this court on April 17, 2013, to become effective, by the terms of the order, on May 17, 2013, and was served notice of said disbarment in accordance with Rule 2.11(b) of the Rules of the Supreme Court of the State of Hawai'i (RSCH). Respondent Songstad was further required by the April 17, 2013 order of disbarment to file, by May 28, 2013, an

affidavit that he was in compliance with the duties of a disbarred attorney, as set forth in RSCH Rule 2.16(d). The record in SCAD-13-0000057 does not contain any such required filing by Respondent Songstad and, therefore, this court concludes Respondent Songstad is an attorney who "has been . . . disbarred and has not complied with RSCH Rule 2.16," under RSCH Rule 2.20. It appears there is no partner, executor, or other responsible party capable of conducting Respondent Songstad's affairs. It further appears that Respondent Songstad maintained a client trust account, ending in x0946, at First Hawaiian Bank, which this court enjoined against further withdrawals by order entered March 25, 2010, but to which is attached a garnishee order issued by the Circuit Court of the First Circuit, in favor of Perry Graham, the plaintiff in *Graham v. Songstad* (No. 1CC07-1-000209). Finally, it appears (1) by the terms of the April 17, 2013 order of disbarment, Songstad is required to provide \$18,333.33 in restitution to former client Randal K. Draper and \$100.00 in restitution to former client Kurt Butler, and (2) the funds in the client trust account are the property of Draper and Butler. Therefore,

IT IS HEREBY ORDERED that Assistant Disciplinary Counsel Charlene Norris is appointed as Trustee, pursuant to RSCH Rule 2.20, to inventory Respondent Songstad's files and to take such action pursuant to RSCH Rule 2.20 as seems indicated to

protect the interests of Respondent Songstad's former clients, including, but not limited to, taking possession of any trust and other bank accounts found or known to exist, determining the amounts therein, and amounts due clients for whom the accounts are held, and seeking further orders from this court for disbursement of amounts due to those clients, pursuant to RSCH Rule 2.20(c)(2)(ii).

IT IS FURTHER ORDERED that ODC shall inform First Hawaiian Bank that the bank has 30 days from the date of entry of this order in which to contact Perry Graham, plaintiff in *Graham v. Songstad* (No. 1CC07-1-000209), to inform Graham he has 60 days from the date of entry of this order to take any action Graham may deem appropriate regarding the funds held in Respondent Songstad's client trust account ending in x0946 and to file proof of any such action with this court, and to further inform Graham that failure to take any action or to timely submit said required proof with this court within the allotted period shall be deemed a waiver of any claims to the funds therein.

IT IS FURTHER ORDERED that, until the period allotted to Graham to act, described above, has expired, this court shall keep ODC's motion to disburse the funds from the client trust account under advisement.

IT IS FINALLY ORDERED that the Trustee shall assume all of the duties enumerated in RSCH Rule 2.20(c), and such other

duties as may be granted by further order of this court, and may act upon those duties in the interim in accordance with this order.

DATED: Honolulu, Hawai'i, July 9, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

