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Supreme Court
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SCAD-15-0000785

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

ISAAC K. SMITH,
Respondent.

ORIGINAL PROCEEDING
(ODC 13-015-9085)

ORDER OF PUBLIC REPRIMAND

(By: Recktenwald, C.J., Nakayama, Pollack, and Wilson, JJ.,
and Intermediate Court of Appeals Chief Judge Nakamura,
in place of McKenna, J., recused)

Upon consideration of the October 26, 2015 Report and Recommendation of the Disciplinary Board of the Supreme Court of the State of Hawai'i, concerning the actions of Respondent Isaac K. Smith, and upon a *de novo* review of the record and the briefs submitted, this court finds and concludes the following, by clear and convincing evidence.

On August 9, 2012, Respondent Smith, in order to pay a personal debt, intentionally deposited \$14,361.26 of personal funds into his First Hawaiian Bank client trust account ending in

x128. This conduct violated Rule 1.15(c) of the Hawai'i Rules of Professional Conduct (HRPC) (1994). On August 13, 2012, Respondent Smith issued a \$12,168.67 check from the client trust account to the management company of his rental unit, for partial payment of maintenance fees, late fees, lease rent, and attorneys' fees and costs for which he was in arrears, and transmitted the check to the management company. This conduct violated HRPC Rule 1.15(e).

In aggravation, we find Respondent Smith has extensive experience in the practice of law and two prior disciplinary matters on his record. In mitigation, we find Respondent Smith has taken responsibility and expressed remorse for his actions and has evinced, in the past, good character and reputation, including commitment to public service and the provision of legal services to the indigent, and we further find that none of Respondent Smith's clients suffered any injury as a result of his actions in the present matter. In light of the above, we conclude a public reprimand is warranted. Therefore,

IT IS HEREBY ORDERED that pursuant to Rule 2.3(a)(4) of the Rules of the Supreme Court of the State of Hawai'i (RSCH) the Disciplinary Board shall impose, with the consent of the Disciplinary Counsel and Respondent Smith, a public reprimand on Respondent Smith.

IT IS FURTHER ORDERED that, within thirty days from the date of this order, the Disciplinary Board shall file in the record a notice that the discipline was imposed or that the Disciplinary Counsel and/or Respondent Smith do not consent to the discipline.

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

DATED: Honolulu, Hawai'i, September 9, 2016.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Craig H. Nakamura

