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Supreme Court
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SCAD-16-0000834

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

KENDAL A. LUKE,
Respondent.

ORIGINAL PROCEEDING
(ODC 15-046-9265)

ORDER OF SUSPENSION

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

Upon consideration of the Report and Recommendation of the Disciplinary Board of the Supreme Court of the State of Hawai'i, the stipulated facts, and the evidence in the record, we conclude by clear and convincing evidence that Respondent Kendal A. Luke violated Rules 3.5(c) and 4.4(a) of the Hawai'i Rules of Professional Conduct (2014) by engaging in conduct toward an unrepresented opposing party in the hallway of Family Court that was highly offensive and included the repetition in a loud voice of a vulgar, gender-based slur. While we concur with the Disciplinary Board's conclusions regarding Respondent Luke's

conduct, and concur that his conduct warrants a period of suspension, as it was committed knowingly and injured the legal profession and the system of justice of which he is a representative, we conclude a more lengthy period of suspension is warranted. Therefore,

IT IS HEREBY ORDERED that Respondent Luke is suspended from the practice of law in this jurisdiction for 90 days, effective 30 days after the entry date of this order.

IT IS FURTHER ORDERED that Respondent Luke 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 Luke shall submit proof to this court of his successful completion of the Multi-State Professional Responsibility Examination, undertaken at his own expense, within one year of the entry date of this order. Respondent Luke is hereby notified that failure to provide such proof within the allotted time may result in a further period of suspension.

IT IS FURTHER ORDERED that Respondent Luke shall bear the costs of the disciplinary proceedings, upon timely submission by the Office of Disciplinary Counsel and approval by this court of a verified bill of costs, pursuant to Rule 2.3(c) of the Rules of the Supreme Court of the State of Hawai'i (RSCH).

IT IS FINALLY ORDERED that Respondent Luke is reminded that he may not resume the practice of law until entry of an order by this court, restoring his license, pursuant to RSCH Rules 2.17(a) and 2.17(b) (2).

DATED: Honolulu, Hawai'i, February 17, 2017.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

