

**Electronically Filed
Supreme Court
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SCAD-16-0000843

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

ROBERT SIBILIA,
Respondent.

ORIGINAL PROCEEDING
(ODC 16-0-143)

ORDER OF SUSPENSION

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

Upon consideration of the Office of Disciplinary Counsel’s December 1, 2016 petition for issuance of a reciprocal discipline notice to Respondent Robert Sibilialia, pursuant to Rule 2.15(b) of the Rules of the Supreme Court of the State of Hawai‘i (RSCH), the memorandum, affidavit, and exhibits appended thereto, the December 20, 2016 Notice and Order issued by this court, and the record, it appears that, on June 23, 2016, the Supreme Court of California suspended Respondent Sibilialia for one year, with all but the initial 90 days stayed, required him within one year to successfully complete the Multistate Professional Responsibility

Examination, and to bear the costs of the proceedings, for misappropriating \$12,933.69 from three clients in two matters due to "gross neglect." Such conduct, if committed in this jurisdiction, would violate Rule 1.15(c) of the Hawai'i Rules of Professional Conduct (1994) and, weighed in light of the aggravating and mitigating factors cited by the court, would justify suspension (see, e.g., ODC v. Avinante, SCAD-14-775 (June 12, 2014); ODC v. Green, No. 21569 (July 30, 1998) ; ODC v. Ikehara, No. 20652 (October 14, 1997)). It further appears that this court's December 20, 2016 Notice and Order was served on Respondent Sibilialia by post on January 4, 2017 to the address registered with the Hawai'i State Bar Association so, by the terms of the December 20, 2016 order, RSCH Rule 2.15(b), and Rules 26(a) and 26(c) of the Hawai'i Rules of Appellate Procedure, Respondent Sibilialia had until February 6, 2017 to respond to the Notice with any reasons as to why reciprocal discipline should not be imposed upon him. Respondent Sibilialia has not filed a response, and a review of the record and precedent demonstrates, pursuant to RSCH Rules 2.15(c) and (d), that reciprocal discipline is authorized and justified. Therefore,

IT IS HEREBY ORDERED that Respondent Robert Sibilialia is suspended for 90 days from the practice of law in this jurisdiction, pursuant to RSCH Rules 2.3(a)(2) and 2.15(c),

effective thirty days after the entry of this order.

IT IS FURTHER ORDERED that Respondent Sibilialia shall, in accordance with RSCH Rule 2.16(d), file with this court, within 10 days after the effective date of his suspension, an affidavit showing compliance with RSCH Rule 2.16(d).

IT IS FURTHER ORDERED that Respondent Sibilialia shall bear the costs of these reciprocal proceedings, pursuant to RSCH Rule 2.3(c), upon the timely submission of a verified bill of costs by the Office of Disciplinary Counsel.

IT IS FINALLY ORDERED that Respondent Sibilialia shall not resume the practice of law in this jurisdiction until reinstated by order of this court, as set forth in RSCH Rules 2.17(a) and 2.17(b)(2). Any application for reinstatement shall include proof of reinstatement to, and good standing with, the California State Bar.

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

