

**Electronically Filed
Supreme Court
SCAD-12-0000879
30-JAN-2013
02:39 PM**

SCAD-12-0000879

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

CRAIG K. FURUSHO, Respondent.

ORIGINAL PROCEEDING
(ODC 07-173-8633 and 09-105-8828)

ORDER

(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 Craig K. Furusho and the Office of Disciplinary Counsel (ODC), and the record, it appears Respondent Furusho in one matter failed to timely file required documents in probate court, failed to follow court rules and orders regarding those submissions, and failed to reasonably communicate with the client in the matter, resulting in a four-year delay in the resolution of a guardianship and financial injury to the client. In the second matter, it appears Respondent Furusho failed to keep his client

apprised of the status of a lawsuit, upon its dismissal failed to file the required documents in the circuit court for its reinstatement, causing injury to the client, and failed to provide an accounting to the client in a timely manner. This court concludes Respondent Furusho's conduct constitutes nineteen separate violations of the Hawai'i Rules of Professional Conduct (HRPC), specifically multiple violations of HRPC Rules 1.2(a), 1.3, 1.4(a), 1.4(b), 3.2, 3.4(e), 1.15(f)(3), and 1.16(d). In aggravation, we find Respondent Furusho (1) has a 2006 informal admonition for his failure to timely file a pretrial statement and a petition with the probate court for approval of a personal injury settlement, in violation of HRPC Rules 1.3, 1.4(a), 1.4(b), 3.2, 3.4(e), 8.1(b) and 8.4(d), (2) committed multiple violations in the present matter, (3) has substantial experience in the practice of law, and (4) we discern a pattern of misconduct, as the previous disciplinary matter and the two complaints in the present matter all involve violations of HRPC Rules 1.3, 1.4, and 3.2. In mitigation, we find Respondent Furusho has expressed sincere remorse, has reimbursed his clients for identifiable costs and fees incurred due to his lack of diligence, his actions were absent a dishonest or selfish motive, he fully and freely cooperated with ODC and the Disciplinary Board throughout the proceedings, including agreeing to participate in a Voluntary Settlement Conference, and, most importantly, has an excellent reputation in the community for his character, professionalism, and extensive *pro bono* work, both in representing individual indigent clients in criminal and civil

matters and in donating his time to charitable causes and institutions. This court views with great concern the pattern of misconduct it discerns, and, but for the strong mitigating factors present, would impose, at a minimum, some period of suspension upon Respondent Furusho. However, in light of the mitigating factors present,

IT IS HEREBY ORDERED that Respondent Craig K. Furusho is publicly censured by the Supreme Court of the State of Hawai'i, pursuant to Rule 2.3(a)(3) of the Rules of the Supreme Court of the State of Hawai'i (RSCH).

IT IS FURTHER ORDERED that Respondent Furusho shall complete, at his own expense and within 180 days after the date of entry of this order, a Practicing Attorneys Liability Management Society course addressing the shortcomings in the case-management system in his law practice, 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 Furusho 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).

DATED: Honolulu, Hawai'i, January 30, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

