

**Electronically Filed
Supreme Court
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SCAD-14-0001131

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

CHERYL R. BRAWLEY,
Respondent.

ORIGINAL PROCEEDING
(ODC 14-049-9192)

ORDER ALLOWING RESIGNATION IN LIEU OF DISCIPLINE

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

Upon consideration of the Office of Disciplinary Counsel (ODC)'s petition for an order granting the request of attorney Cheryl R. Brawley to resign from the practice of law in lieu of discipline, and the memorandum, affidavits, and exhibits attached in support thereof, we note the petition is supported by Respondent Brawley's affidavit which meets the requirements of Rule 2.14(a) of the Rules of the Supreme Court of the State of Hawai'i (RSCH). We further note Respondent Brawley admits to failing to maintain a business account for her practice, withdrawing client funds for her own use and benefit before earning them, failing to keep client funds in trust until

earned, misrepresenting material facts to ODC during its investigation, and creating a false deposit slip in support of those misrepresentations, in violation of Rules 1.15(a)(2), 1.15(c), and 1.15(d) of the Hawai'i Rules of Professional Conduct (HRPC) (1994) and HRPC Rule 8.4(c) (2014). Therefore,

IT IS HEREBY ORDERED, pursuant to RSCH Rule 2.14, that the petition is granted and Respondent Cheryl R. Brawley's request to resign in lieu of discipline is granted.

IT IS FURTHER ORDERED that the resignation shall become effective 30 days after the date of this order, as provided by RSCH Rules 2.14(d) and 2.16(c).

IT IS FURTHER ORDERED that (1) the Clerk shall remove Respondent Brawley's name from the role of attorneys licensed to practice law in this jurisdiction and (2) within thirty days after entry of this order, Respondent Brawley shall submit to the Clerk of this court the original certificate evidencing her license to practice law in this jurisdiction or an affidavit establishing good cause for her failure to do so.

IT IS FURTHER ORDERED that (1) Respondent Brawley shall comply with the requirements of RSCH Rule 2.16 and (2) the Disciplinary Board of the Supreme Court of the State of Hawai'i shall provide notice of the disbarment as required by RSCH Rule 2.16(e) and (f).

IT IS FINALLY ORDERED that Respondent Brawley shall bear the costs of these proceedings upon the timely submission by ODC of a verified bill of costs, as authorized by RSCH Rule 2.3(c).

DATED: Honolulu, Hawai'i, September 26, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

