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Supreme Court
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SCAD-19-0000354

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT,
Petitioner,

vs.

CHARLES K.Y. KHIM,
Respondent.

ORIGINAL PROCEEDING
(ODC Case No. 17-O-244)

ORDER OF TRANSFER TO INACTIVE STATUS

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

Upon review of the April 23, 2019 petition filed by the Disciplinary Board of the Supreme Court of the State of Hawai'i, requesting this court to immediately transfer Respondent Charles K.Y. Khim to inactive status, pursuant to Rule 2.19 (b) of the Rules of the Supreme Court of the State of Hawai'i (RSCH), we conclude interim transfer to inactive status is warranted. We also note the request from the Disciplinary Board for an order directing the bank maintaining Khim's client trust account to disclose to the Office of Disciplinary Counsel (ODC) the balance in the account, so that ODC may use the information to assess the

necessity of moving for a trusteeship over Khim's legal practice, pursuant to RSCH Rule 2.20. We note that RSCH Rule 2.12 provides ODC the power to subpoena the production of papers and documents related to matters under investigation by the Chief Disciplinary Counsel. Therefore,

IT IS HEREBY ORDERED that Respondent Khim is immediately transferred to inactive status in this jurisdiction, pursuant to RSCH Rule 2.19(c), effective with the filing of this order. Respondent Khim shall remain on inactive status until further order of this court but may, at his discretion, apply to this court for a return to active status, pursuant to RSCH Rule 2.19(f), upon submission of evidence that he is fit to resume the practice of law.

IT IS FURTHER ORDERED that ODC shall suspend and hold in abeyance proceedings against Respondent Khim to the extent required by RSCH Rule 2.19(h).

IT IS FURTHER ORDERED that the motion for an order directing the bank to reveal the client trust account records is denied as unnecessary.

IT IS FURTHER ORDERED that the Disciplinary Board shall, pursuant to RSCH Rule 2.19(d), cause a notice of this transfer to inactive status to be published in a newspaper of general circulation in the judicial circuit in which Respondent Khim maintained his practice.

IT IS FINALLY ORDERED that the clerk of the court, pursuant to RSCH Rule 2.19(e), shall transmit a certified copy of

this order to all judges of the State of Hawai‘i and shall request their assistance and such action as may be indicated, pursuant to RSCH Rule 2.20, to protect the interests of both Respondent Khim and his clients.

DATED: Honolulu, Hawai‘i, May 14, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

