

**Electronically Filed
Supreme Court
SCAD-19-0000416
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SCAD-19-0000416

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

SUZANNE T. TERADA, Respondent.

ORIGINAL PROCEEDING

(ODC NOS. 16-O-008, 16-O-049, 16-O-365)

DISSENTING ORDER

(By: Pollack, J., in which Wilson, J., joins)

I respectfully dissent.

I believe the 18-month suspension imposed by the majority on Respondent Suzanne T. Terada is excessive under the circumstances. While Respondent's conduct caused unnecessary delay in resolving these cases and disruption to the clients' plans, the clients were ultimately made whole financially as clients' funds were delivered, disbursed, or returned to the appropriate parties, and the cases were resolved. In none of the three cases did Respondent seek or obtain any financial gain or profit from her conduct.

In my view, attorneys who have engaged in what appears to be more serious misconduct have received lesser periods of suspension from this court. See, e.g., Office of Disciplinary Counsel (ODC) v. Ragan, No. SCAD-19-0000656 (Jan. 30, 2020) (suspending attorney for one year and one day and ordering attorney pay \$30,445.00 in restitution to former clients); ODC v. Sibilia, No. SCAD-16-0000843 (Feb. 17, 2017) (suspending attorney for 90 days where attorney misappropriated \$12,933.69 from three clients in two matters due to gross neglect); ODC v. Jervis, No. SCAD-14-0000899 (Oct. 12, 2015) (suspending attorney for six months where attorney had previously been disciplined and had accepted a \$100,000 loan from a client with unfair terms and conditions); ODC v. Bertelmann, No. SCAD-12-0000950 (Feb. 15, 2013) (suspending attorney for one year and one day after misappropriating client funds, neglecting a client matter, failing to initially respond to ODC inquiries, and failing to return files to an abandoned client).

Additionally, the Disciplinary Board found Terada to have an outstanding record of community service, a clean disciplinary record, and faced extraordinary personal stressors that coalesced in the timeframe of her misconduct. I believe that these mitigating factors warranted a less severe sanction than that imposed upon Respondent. See Bertelmann, No. SCAD-12-

0000950 (finding as mitigating circumstances that attorney had clean disciplinary record, a reputation for community service, and was suffering from a serious medical condition at the time of the misconduct); Jervis, No. SCAD-14-0000899 (pro bono work served as mitigating factor).

Accordingly, I would impose upon Terada a six-month suspension from the practice of law, as well as fees and costs connected with the disciplinary matter and other such conditions as required by the Rules of the Supreme Court.

DATED: Honolulu, Hawai'i June 29, 2020.

/s/ Richard W. Pollack

/s/ Michael D. Wilson

