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SCAD-20-0000767

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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OFFICE OF DISCIPLINARY COUNSEL,  
Petitioner,

vs.

DANIEL JOSEPH O‘PHELAN, (Bar No. 7843),  
Respondent.

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ORIGINAL PROCEEDING  
(ODC #18-0245, #20-0183)

ORDER OF TRANSFER TO INACTIVE STATUS

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

Upon review of the December 22, 2020 petition filed by the Office of Disciplinary Counsel (ODC) on behalf of, and with the approval of, the Disciplinary Board of the Supreme Court of the State of Hawai‘i, requesting this court to immediately transfer Respondent Daniel J. O‘Phelan to inactive status, pursuant to Rules 2.19 (b) and 2.19(c) of the Rules of the Supreme Court of the State of Hawai‘i (RSCH), we conclude temporary transfer to inactive status is warranted, pending the provision of further evidence in support of Respondent O‘Phelan’s assertions that he is currently incapable of practicing law or

defending himself in a pending disciplinary matter. Therefore,

IT IS HEREBY ORDERED that Respondent Daniel J. O'Phelan is immediately transferred to inactive status in this jurisdiction, pursuant to RSCH Rules 2.19(b) and 2.19(c), effective with the filing of this order. Respondent O'Phelan shall remain on inactive status until further order of this court.

IT IS FURTHER ORDERED that Respondent Daniel J. O'Phelan shall submit, within 60 days of the entry date of this order, further evidence in support of his assertions regarding his incapacity, including medical documentation, obtained at his expense.

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

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 O'Phelan 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 O'Phelan and his clients, if any.

DATED: Honolulu, Hawai'i, December 24, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

