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SCAD-19-0000586

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In re: LESLIE S. FUKUMOTO (Bar No. 2708)

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ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the October 15, 2021 report, request for fees and costs, and motion for discharge, filed by attorney Walter Hebblethwaite, serving as Trustee, pursuant to Rule 2.20 of the Rules of the Supreme Court of the State of Hawai‘i (RSCH), over the practice of attorney Leslie Fukumoto, the October 22, 2021 statement filed by Bradley Tamm, in his capacity as Trustee Administrator at the the Office of Disciplinary Counsel (ODC), the lack of response to that motion from attorney Fukumoto, the October 22, 2021 motion by Tamm for permission to dispose of a cleansed computer currently held by the trusteeship, the lack of response to that motion from

attorney Fukumoto, and the record in this matter, we conclude Trustee Hebblethwaite has completed his duties in this trusteeship and that the fees he requests are for work reasonable in duration and related to the duties of the trusteeship. We find the value of the computer which is the subject of ODC's motion to be less than \$50.00 and, pursuant to RSCH Rule 2.20(d)(2)(F) (2021), subject to destruction. We further conclude that requiring attorney Fukumoto to be responsible for the total expenses incurred by this trusteeship is warranted and authorized by RSCH Rule 2.20(d)(2019) and RSCH Rule 2.20(e)(2021). Therefore,

IT IS HEREBY ORDERED that Trustee Hebblethwaite's report is approved, and his motion for discharge is granted. As a final duty, Trustee Hebblethwaite shall transfer control of the two client trust accounts from attorney Fukumoto's practice, maintained at First Hawaiian Bank and ending in x1593 and x0496, to ODC, which shall maintain them until either a valid request for the funds therein is approved by this court or until the contents are ripe for a determination that they be declared abandoned and can escheat to the state, after December 15, 2024.

IT IS FURTHER ORDERED that the Disciplinary Board shall pay Trustee Hebblethwaite, within 30 days of the entry date of this order, \$1,764.00 in fees and \$83.12 in General

Excise Tax, calculated at the O'ahu rate of 4.712%, for a total of \$1,847.12.

IT IS FURTHER ORDERED that ODC may, pursuant to RSCH Rule 2.20(d)(2)(F), dispose of the computer described in its October 22, 2021 submission, according to its standard procedures for disposing of outdated technology.

IT IS FURTHER ORDERED that ODC may submit a renewed motion for an order and judgment against attorney Fukumoto, which shall include a full summary of expenses incurred by the Disciplinary Board and ODC in this matter.

DATED: Honolulu, Hawai'i, November 9, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

