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SCAD-21-0000582

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

THOMAS DOMENICO SANDS, (HI Bar #9682),
Respondent.

ORIGINAL PROCEEDING
(ODC Case No. 21-0228)

ORDER

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

Upon consideration of the November 27, 2021 response, filed by Respondent Thomas Domenico Sands, to this court's October 27, 2021 Notice and Order, issued pursuant to Rule 2.15 of the Rules of the Supreme Court of the State of Hawai‘i (RSCH), and the record in this matter, we note that, on January 29, 2021, the United States Bankruptcy Court for the Central District of California, in addition to other disciplinary measures, suspended Respondent Sands for two years from practice in its courts after it determined that Sands had misrepresented the truth, under oath, in the course of a Chapter 11 bankruptcy matter in its courts, by falsely declaring under penalty of perjury that he had fulfilled requirements to meet and confer with the opposing

party, and had then subsequently refused to explain his conduct despite multiple opportunities to do so. We further note that the Supreme Court of California subsequently reciprocally disciplined Respondent Sands for that misconduct by imposing a suspended two-year suspension, a three-year probationary period, and an actual 90-day suspension of Respondent Sands's license to practice law in California. The California Supreme Court also imposed additional disciplinary requirements upon Respondent Sands, including completion of relevant CLE classes and the successful passing of the Multistate Professional Responsibility Examination, as well as the submission of regular reports to the state disciplinary authorities. In mitigation, we find that Respondent Sands willingly admitted his misconduct and has a previously clean disciplinary record in both this jurisdiction and in California.

Based upon a review of the record, we conclude that the misconduct engaged in by Respondent Sands, if committed in this jurisdiction, would constitute a violation of Rule 8.4(c) of the Hawai'i Rules of Professional Conduct (2014), and would warrant a period of suspension. Therefore,

IT IS HEREBY ORDERED that Respondent Thomas Domenico Sands is suspended from the practice of law in this jurisdiction for a period of 90 days, effective 30 days from the entry date of this order. Respondent Sands shall comply with the requirements of RSCH Rule 2.16 with regards to his suspension.

IT IS FURTHER ORDERED that, as a prerequisite to

reinstatement in this jurisdiction, Respondent Sands shall submit proof of his successful completion of the probation terms imposed by the Supreme Court of California.

IT IS FURTHER ORDERED that Respondent Sands shall provide the Office of Disciplinary Counsel (ODC) copies of any reports he files with the California State Bar probation authorities, and shall promptly inform ODC of any communications he receives from the California State Bar authorities indicating that probation revocation proceedings have been commenced.

IT IS FURTHER ORDERED that Respondent Sands is hereby informed that, if the two-year stayed suspension in California is revoked or modified, further modification of the instant discipline may occur, including imposition of a further period of suspension in this jurisdiction, upon proper motion by ODC.

IT IS FURTHER ORDERED that the discipline in this matter is imposed without prejudice to ODC continuing its investigations into any other ODC matters implicating Respondent Sands.

DATED: Honolulu, Hawai'i, December 22, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

