

**Electronically Filed
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SCAD-22-0000099

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

vs.

MICHAEL J. COLLINS XXVII (Bar No. 9087),
Respondent.

ORIGINAL PROCEEDING
(DB 22-9003; ODC NOS. 21-0039,
22-0051, 22-0056, 22-0136, 22-0137, 22-0207)

ORDER IMPOSING DISCIPLINE

(By: Recktenwald, C.J., McKenna and Eddins, JJ.,
and Intermediate Court of Appeals Associate Judges
McCullen and Guidry, assigned by reason of vacancies)

Upon consideration of the September 15, 2023 report submitted by the Disciplinary Board of the Hawai‘i Supreme Court, recommending this court adopt the findings of fact, conclusions of law, and recommended discipline stipulated to by the Respondent and the Office of Disciplinary Counsel, the exhibits attached thereto, and the record in this matter, we conclude, based upon the stipulated facts, that the Respondent violated

the following provisions of the Hawai'i Rules of Professional Conduct (HRPC) (2014), in the following manner.

The Respondent's conduct at the March 23, 2022 hearing in Kaupo Ranch v. Smith, 2CCV-21-0000255 (hereinafter "Kaupo Ranch"), at the March 24, 2022 hearing in Loquet v. Livesay, 2DSS-22-0000058, and his conduct at the March 23, 2022 hearing in Bank of New York Mellon v. Akahi, 2CC181000483, demonstrate a failure of the duty of competence owed to those clients, in violation of HRPC Rule 1.1, and his conduct at the latter two hearings constitutes a failure of the duty of diligence owed to his clients, in violation of HRPC Rule 1.3.

The Respondent, during the March 23, 2022 hearing in Kaupo Ranch, engaged in argument which we conclude was wholly frivolous, in violation of HRPC Rule 3.1.

At the January 12, 2021 hearing in Deutsche Bank National Trust Co. v. Russo, 2CC141000126 (hereinafter "Russo"), the Respondent refused to cease interrupting opposing counsel, and, at the March 23, 2022 hearing in Kaupo Ranch, the Respondent refused to obey the court's directives to limit himself to legal argument, and to cease speaking when directed to do so by the court, thereby, on these occasions, knowingly refusing to obey an obligation under the rules of a tribunal, in violation of HRPC Rule 3.4(e).

The Respondent, on March 5, 2022, sent an email directed at a fellow attorney, wherein he threatened to present criminal charges against the attorney for, we conclude, the sole purpose of obtaining an advantage in a civil matter, in violation of HRPC Rule 3.4(i).

The Respondent, at the January 12, 2021 hearing in the Russo litigation, spoke in a loud and aggressive manner to the presiding judge, and threatened the judge, and, at the March 23, 2022 hearing in the Kaupo Ranch litigation, yelled at the presiding judge and made a series of condescending and disrespectful statements directed at the judge, which we conclude constituted harassment of the presiding judges, in violation of HRPC Rule 3.5(b).

By engaging in the conduct described immediately above, and by, at the January 12, 2021 hearing in the Russo litigation, yelling and interrupting opposing counsel, the Respondent engaged in conduct we conclude was reasonably likely to disrupt a tribunal, in violation of HRPC Rule 3.5(c).

The Respondent, in a March 25, 2022 email transmitted to opposing counsel following a deposition, employed means, in the course of representing a client, which we conclude had no substantial purpose other than to embarrass or burden the recipient attorney, in violation of HRPC Rule 4.4(a).

The Respondent, we conclude, provided legal services to clients, both *pro bono* and for money, while suspended from practice, and thereby engaged in the unauthorized practice of law in this jurisdiction, in violation of its regulations governing the practice of law, in violation of HRPC Rule 5.5(a).

The Respondent advertised legal services while suspended from practice which, we conclude, contained material misrepresentations or omissions of fact regarding his licensure to practice law, in violation of HRPC Rule 7.1(a).

The Respondent, by advertising as a "Certified Legal Consultant" during the period of suspension, implied he could achieve results in the courts by means that would violate the HRPC and relevant law, in violation of HRPC Rule 7.1(b).

The Respondent, in advertisements posted during his suspension, held himself out as a "Certified Legal Consultant" without providing the basis for such a certification, and, in doing so, failed to therefore include language in the advertisement required by HRPC Rule 7.4(d), in violation of HRPC Rule 7.4(d).

The Respondent informed the Office of Disciplinary Counsel that his New Jersey law license was inactive when, at the time, it was, in fact, active, which we conclude was a false

statement made to a disciplinary authority, in violation of HRPC Rule 8.1(a).

We accept the factors both in aggravation and mitigation to which the parties have stipulated.

We conclude that, absent the mitigating factors, the misconduct committed by the Respondent warrants, at a minimum, a two-year suspension from the practice of law. See, e.g., ODC v. Au, SCAD-13-911 (January 21, 2014); ODC v. Tagupa, No. 26762 (March 24, 2016); ODC v. Hicks, No. 23372 (January 20, 2006); ODC v. Verdin, No. 22349 (September 13, 2001). However, in light of the mitigating factors, we conclude that adopting the recommendation of the Board, to accept the proposed discipline to which the parties have stipulated, is warranted. Therefore,

IT IS HEREBY ORDERED that the Respondent, Michael J. Collins XXVII, is suspended for two years from the practice of law.

IT IS FURTHER ORDERED that this two-year suspension is stayed for a two-year probationary period, effective upon entry of this order, during which the Respondent is required to fully comply with the conditions of probation as agreed upon by the parties, as set forth at Docket 140:70-74 and Docket 152:1-5.

IT IS FURTHER ORDERED that the Respondent is hereby notified that failure to fully comply with the terms of the

probation may result in revocation of the stay and the imposition of the two-year suspension from practice.

IT IS FURTHER ORDERED that the Respondent shall bear the costs of these disciplinary proceedings, upon approval by this court of a timely filed Verified Bill of Costs submitted by the Office of Disciplinary Counsel, pursuant to Rule 2.3(c) of the Rules of the Supreme Court of the State of Hawai'i.

DATED: Honolulu, Hawai'i, October 4, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Sonja M.P. McCullen

/s/ Kimberly T. Guidry

