

NO. 26681

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

PAUL J. DURBIN, Respondent.

(ODC 04-012-7992)

ORDER GRANTING PETITIONER'S MOTION TO TRANSFER RESPONDENT
PAUL J. DURBIN TO INACTIVE STATUS DUE TO INCAPACITY
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon consideration of (1) Petitioner Office of Disciplinary Counsel's (Petitioner ODC) July 12, 2004 motion to transfer Respondent Paul J. Durbin (Respondent Durbin) to inactive status due to incapacity pursuant to Rule 2.19 of the Rules of the Supreme Court of Hawai'i (RSCH), (2) the August 31, 2004 order granting in part and denying in part Petitioner ODC's July 12, 2004 motion, (3) the December 8, 2005 order granting Petitioner ODC's November 29, 2004 motion to extend time to file a physician's statement or otherwise comply with the August 31, 2004 order, (4) the January 13, 2005 affidavit of Carol R. Richelieu regarding the December 8, 2004 order, (5) the attachments to the January 13, 2005 affidavit of Carol R. Richelieu, including the January 11, 2005 affidavit of Christopher E. Hines, M.D., (Dr. Hines), (6) Respondent Durbin's lack of opposition to Petitioner ODC's July 12, 2004 motion, and (7) the record, it appears that Dr. Hines has concluded that Respondent Durbin is incapacitated from continuing the practice of law by reason of mental infirmity. Therefore,

IT IS HEREBY ORDERED that Respondent Paul J. Durbin (attorney number 923) is transferred to inactive status in this jurisdiction pursuant to RSCH Rule 2.19(b), effective with the filing of this order until further order of this court.

IT IS FURTHER ORDERED that Petitioner ODC shall serve a copy of this order on Respondent Durbin in accordance with RSCH Rule 2.19(a), RSCH Rule 2.19(b), and RSCH Rule 2.11(a).

DATED: Honolulu, Hawai'i, March 3, 2005.