

NO. 27521

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL, Petitioner

vs.

GARY L. HARTMAN, Respondent

(ODC 05-130-8282; 05-146-8298)

ORDER DENYING PETITION

(By: Moon, C.J., Levinson, Nakayama,
Acoba, and Duffy, JJ.)

EMERITUS
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

Upon consideration of the petition filed by Petitioner Office of Disciplinary Counsel (Petitioner ODC) for the immediate suspension of Respondent Gary L. Hartman (Respondent Hartman) from the practice of law pursuant to RSCH 2.12A, Respondent Hartman's response to our order to show cause, and Respondent Hartman's second request for an extension of time to file memorandum in opposition to suspension of license, it appears that Respondent Hartman is the subject of an investigation by Petitioner ODC and that while he did not timely respond to each of Petitioner ODC's attempts to investigate the disciplinary matters, Respondent Hartman has now responded to each of grievants' allegations in ODC 05-130-8282 and ODC 05-146-8298. Although this court could conclude that Respondent Hartman is guilty of a failure to cooperate with Petitioner ODC's investigation or disciplinary proceeding because of Respondent Hartman's failure to respond timely and to appear in response to

a subpoena, Respondent Hartman's untimely response to our order to show cause (filed November 2, 2005) addresses the client's grievance and attorney Scot Brower's grievance and provides sufficient information for Petitioner ODC to proceed. Therefore, immediate suspension would not be appropriate at this time. Respondent Hartman is admonished that this court will not be so lenient with regard to any other failure to cooperate with Petitioner ODC. Accordingly,

IT IS HEREBY ORDERED that the Office of Disciplinary Counsel's petition for the immediate suspension of Respondent Gary L. Hartman is denied without prejudice, and this case is remanded to the Office of Disciplinary Counsel for such further proceedings as are appropriate.

IT IS FURTHER ORDERED that Respondent Hartman's second request for an extension of time to file memorandum in opposition to suspension of license is denied.

DATED: Honolulu, Hawai'i, November 23, 2005.



Steven H. Levinson

Huma C. Nakamura



James E. Dubbs, Jr.