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Supreme Court
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SCAD-14-0001039

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT,
Petitioner,

vs.

JAMES H. FOSBINDER,
Respondent.

ORIGINAL PROCEEDING
(ODC 14-005-9148, 14-006-9149,
14-007-9150, 14-008-9151, 14-009-9152)

ORDER

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

Upon consideration of the October 9, 2014 submission by the Disciplinary Board of the Supreme Court of the State of Hawai'i, this court concludes attorney James H. Fosbinder is incapacitated by reason of a physical or mental infirmity which makes it impossible for him to defend himself adequately in disciplinary proceedings or to continue the practice of law. Therefore,

IT IS HEREBY ORDERED that the September 12, 2014 order of this court is confirmed, to wit, that attorney Fosbinder shall remain on involuntary inactive status until further order of this

court, pursuant to Rule 2.19(c) of the Rules of the Supreme Court of the State of Hawai'i (RSCH).

IT IS FURTHER ORDERED that the Office of Disciplinary Counsel shall hold all pending disciplinary proceedings against attorney Fosbinder in abeyance until such time as attorney Fosbinder successfully petitions this court to regain his active license to practice law.

IT IS FINALLY ORDERED that, although the record in the instant proceedings are, and shall remain, confidential, this order shall be a matter of public record, pursuant to RSCH Rule 2.22(f).

DATED: Honolulu, Hawai'i, October 24, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

