

No. 23269

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF THE DISCIPLINARY COUNSEL, Petitioner,
vs.
ALVIN T. SASAKI, Respondent.

K. HAMAKAHI
CLERK OF THE SUPREME COURT
STATE OF HAWAII

2003 MAY 30 PM 2:40

FILED

(ODC 97-006-5200)

ORDER DENYING MOTION FOR RECONSIDERATION
(By: Masuoka, Acting C.J., Ibarra, Raffetto,
and Chang, Acting JJ.)

We have considered Petitioner Office of Disciplinary Counsel's Motion for Reconsideration of our April 1, 2003 order, the memorandum and declarations in support thereof, Respondent Alvin Sasaki's response thereto, and the record. We conclude that Petitioner's arguments are without merit. Petitioner's arguments appear premised in the erroneous view that the purpose of discipline is punishment and that the rules setting forth the types of discipline that may be recommended to this court limit the discipline that can be imposed by this court. This court gives great weight to the recommendation of the Disciplinary Board, but it has not delegated its authority to determine these cases and reviews them de novo. See Office of Disciplinary Counsel v. Lau, 79 Hawai'i 201, 204, 900 P.2d 777, 780 (1995).

This court has previously observed that, in disciplinary proceedings, degrees of discipline must be disassociated with the concept of punishment for wrongdoing and when an attorney is disciplined for ethical misconduct, the purpose of such discipline is to correct the unprofessional misconduct and/or suspend the attorney from the practice of law until such remedial measures can be absorbed. Akinaka v. Disciplinary Board of the Hawai'i Supreme Court, , 91 Hawai'i 51, 58, 979 P.2d 1077, 1084 (1999) (quotations and citations omitted). This court has also observed that the power to regulate the admission to practice and disbarment or disciplining of attorneys is judicial in nature and inherent in the courts. In re Trask, 46 Haw. 404, 415, 380 P.2d 751, 758 (1963). Rule 2.3 of the Rules of the Supreme Court of the State of Hawai'i sets out types of discipline, including those that may be recommended by the Disciplinary Board pursuant to Rule 2.7, but it does not preclude this court from exercising its inherent powers to fashion other appropriate discipline. Cf. Chambers v. Nasco, Inc., 501 U.S. 31 (1991) (FRCP 11 did not limit court's inherent authority to impose sanctions); United State v. Johnson, ___ F.3d ___ (2003), (2003 WL 1923831) (existence of state law governing admission to practice law does not preclude federal district court's exercise of inherent authority to investigate unauthorized practice of law and impose

sanctions). Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawai'i, May 30, 2003.

Carole R. Richelieu, Chief
Disciplinary Counsel and
Alvin T. Ito, Special
Assistant Disciplinary
Counsel for petitioner,
on the motion

