

NO. 25141

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

MARK VAN PERNIS, Respondent.

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(ODC 98-021-5512)

ORDER OF SUSPENSION

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

Upon consideration of (1) the Disciplinary Board's report and recommendation for the suspension of Respondent Mark Van Pernis (Respondent Van Pernis) from the practice of law for a period of three months, (2) the briefs that the parties filed pursuant to Rule 2.7(d) of the Rules of the Supreme Court of Hawai'i (RSCH), and (3) the record, we conclude that Petitioner Office of Disciplinary Counsel (Petitioner ODC) proved by clear and convincing evidence that Respondent Van Pernis (a) harassed a court-appointed foreclosure commissioner in violation of Rule 3.5(b) of the Hawai'i Rules of Professional Conduct (HRPC), and (b) used means that had no substantial purpose other than to embarrass, delay, or burden the commissioner in violation of HRPC Rule 4.4. In so doing, Respondent Van Pernis demonstrated a pattern of recidivism in his professional misconduct, as evidenced by the three previous letters of informal admonition that Petitioner ODC issued to Respondent Van Pernis in ODC 388 (July 16, 1979), ODC 1943 (March 30, 1987), and ODC 5544 (February 23, 2000). Therefore, we adopt the Disciplinary Board's recommendation. Accordingly,

IT IS HEREBY ORDERED that Respondent Van Pernis is suspended from the practice of law in this jurisdiction for a period of three (3) months, effective thirty (30) days after entry of this order, as provided by RSCH Rule 2.16(c).

DATED: Honolulu, Hawai'i, July 11, 2003.