

No. 25098

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Investigation of

DAVID L. FONG,
Judge, District Court of the First Circuit,
State of Hawai'i

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ORIGINAL PROCEEDING

ORDER OF PUBLIC CENSURE
(By: Moon, CJ., for the court¹)

We have considered (1) the Commission on Judicial Conduct's Report and Recommendation for the imposition of public censure upon former First Circuit District Judge David L. Fong, (2) the record, including Respondent Fong's Stipulation of Facts, and (3) Respondent's lack of opposition to the Report and Recommendation, as exhibited by the fact Respondent declined to file exceptions or a brief or otherwise oppose the Report and Recommendation. It appears from the record that Respondent Fong did not fully disclose his wife's many and various financial, fiduciary, and ownership interests, or acquisitions and transfers of such interests, on financial disclosure statements filed between 1990 and 2003. It further appears that Rule 15 of the Rules of the Supreme Court of the State of Hawai'i (RSCH) required disclosure of the interests. It also appears that Respondent Fong was at least aware of alleged criminal activity

¹ Considered by: Moon, CJ; Levinson, Nakayama, Acoba and Duffy, JJ.

at a property owned by his wife. Respondent Fong's conduct, summarized above, cast his judicial office into disrepute and were violations of RSCH 8.5(a)(4) and RSCH 8.5(a)(5) and Canon 2 of the Hawai'i Revised Code of Judicial Conduct. Finally, in mitigation, it appears that Respondent Fong was highly respected and performed his duties ably and conscientiously during the time he served as a *per diem* and full-time judge of the District Court of the First Circuit. Because the Commission's recommendation for public censure is supported by the record, particularly the stipulation of facts entered into by Respondent and Special Counsel,

IT IS HEREBY ORDERED that Respondent David L. Fong is hereby publically censured.

DATED: Honolulu, Hawai'i, December 22, 2003.

FOR THE COURT:


Chief Justice

