

NO. 26539

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

CYNTHIA KAY McNEFF, Respondent.

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(ODC 04-036-8016)

ORDER OF SUSPENSION

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

Upon consideration of (1) Petitioner Office of Disciplinary Counsel's (Petitioner ODC) April 29, 2004 ex parte petition for issuance of reciprocal discipline notice to Respondent Cynthia Kay McNeff (Respondent McNeff), the memorandum, affidavit, declaration, and exhibits attached thereto, and (2) the April 30, 2004 declaration of Chief Disciplinary Counsel Carole R. Richelieu and the exhibits attached thereto, (3) the May 17, 2004 notice and order granting Petitioner ODC's ex parte petition for issuance of reciprocal discipline notice pursuant to Rule 2.15 of the Rules of the Supreme Court of Hawai'i (RSCH), (4) the June 1, 2004 affidavit of Chief Disciplinary Counsel Carole R. Richelieu regarding Service of the May 17, 2004 notice and order, (5) Respondent McNeff's lack of response to the May 17, 2004 notice and order, and (6) the record, it appears that, on July 18, 2003, the Supreme Court of Oregon approved a stipulation for discipline between Respondent McNeff and the Oregon State Bar, and suspended Respondent McNeff from the practice of law in Oregon for sixty (60) days, effective August 1, 2003, because Respondent McNeff

- engaged in conduct that was prejudicial to the administration of justice in violation of Oregon Code of Professional Responsibility Disciplinary Rule (OCPR DR) 1-102(A)(4),
- continued to represent a client when Respondent McNeff's professional judgment was, or reasonably may have been, affected by Respondent McNeff's own personal interests in violation of OCPR DR 5-101(A),
- communicated on the subject of McNeff's representation directly with an adverse party whom McNeff knew to be represented by a lawyer in violation of OCPR DR 7-104(A)(1), and
- communicated ex parte with a judge in an adversarial proceeding in violation of OCPR DR 7-110(B).

It further appears that reciprocal discipline in Hawai'i in the form of a suspension is warranted pursuant to RSCH Rule 2.15(c). Therefore,

IT IS HEREBY ORDERED that, pursuant to RSCH Rule 2.15(c), Respondent Cynthia Kay McNeff (attorney number 7015) is suspended from the practice of law in Hawai'i for sixty (60) days, effective thirty days after entry of this order, as provided by RSCH Rule 2.16(c). Respondent McNeff is reminded that she may not resume the practice of law in Hawai'i except upon reinstatement by order of this court. See RSCH Rule 2.17(a) & (b).

DATED: Honolulu, Hawai'i, August 5, 2004.