

NO. 23895

IN THE SUPREME COURT OF THE STATE OF HAWAII

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

STEPHEN A LEVINE, Respondent.

(ODC 03-313-7913)

E.M. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2006 MAR -8 PM 1:25

FILED

ORDER OF PUBLIC CENSURE

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

Upon consideration of the Disciplinary Board's Report and Recommendation for the Imposition of a Public Reprimand Upon Stephen A. Levine, the exhibits thereto, and the record, it appears that Respondent Levine practiced law on two occasions while he was suspended in multiple violation of Rules 5.5(a) and 8.4(a) of the Hawai'i Rules of Professional Conduct. It further appears that Respondent Levine's practice was based upon a good faith belief that he was reinstated to practice based on his reliance on the advice of counsel. However, while reliance on the advice of counsel may be a mitigating factor, it is not a defense to practicing law while suspended. See Attorney Grievance Commission of Maryland v. Pennington, 387 Md. 565, 876 A.2d 642 (2005); People v. Katz, 58 P.3d 1176 (Colo. 2002). It finally appears that there are other mitigating and aggravating factors in this case. Therefore,

IT IS HEREBY ORDERED, pursuant to Rule 2.3(a)(3) of the Rules of the Supreme Court of the State of Hawai'i ("RSCH"), that a Public Censure is imposed upon Respondent Levine.

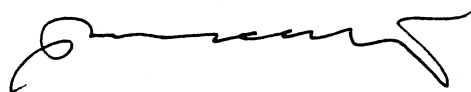
IT IS FURTHER ORDERED that Respondent Levine shall reimburse the Disciplinary Board for the costs associated with

this proceeding, as determined by this court after timely submission of a bill of costs. See RSCH 2.3(c).

IT IS FURTHER ORDERED that Respondent Levine shall file with this court an affidavit in full compliance with RSCH 2.16(d) and, if he seeks reinstatement, an affidavit in full compliance with RSCH 2.17(b).

IT IS FINALLY ORDERED that Respondent Levine shall not resume the practice of law until an order from this court specifically reinstates his license to practice.

DATED: Honolulu, Hawai'i, March 8, 2006.



Ramona E. Sullivan