

**Electronically Filed
Supreme Court
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NO. SCAD-12-0000491

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

DONALD L. WILKERSON, Respondent.

ORIGINAL PROCEEDING
(ODC 10-014-8848)

ORDER

(By: Recktenwald, C.J., Nakayama, and McKenna, JJ.,
Intermediate Court of Appeals Associate Judge Leonard,
in place of Acoba, J., recused,
and Intermediate Court of Appeals Associate Judge Fujise,
assigned by reason of vacancy)

Upon consideration of the Report and Recommendation of the Disciplinary Board of the Supreme Court of the State of Hawai'i, the stipulated facts, and the evidence in the record, it appears Respondent Donald L. Wilkerson requested and was granted a deferred acceptance of a no-contest plea to nine misdemeanor counts of Wilful Failure to File a General Excise Tax Return, under HRS § 231-35 (2001). It further appears that, having fulfilled the conditions of the plea after one year, the district court dismissed the charges. It also appears Respondent Wilkerson's actions constitute one violation of Rule 8.4(a) and nine violations of Rule 8.4(b) of the Hawai'i Rules of Professional Conduct (HRPC) and, in aggravation, Respondent

Wilkerson has received two prior disciplinary sanctions, in 2004 and 2005, for violations of HRPC Rules 1.1, 1.3, 1.4(a), 1.4(b), 1.15(b), 1.15(d), 3.3(a), 8.1(b), 8.4(c) and 8.4(d). In mitigation, it appears Respondent Wilkerson cooperated with the present investigation, has expressed remorse, has taken subsequent remedial measures to ensure the violations do not reoccur, and has performed significant pro bono work on behalf of indigent criminal defendants. Therefore, it appearing that public censure is warranted,

IT IS HEREBY ORDERED that Respondent Donald L. Wilkerson is publicly censured.

IT IS FURTHER ORDERED that Respondent Wilkerson shall pay all costs of the proceedings, as approved upon a timely submission of a bill of costs, as prescribed by RSCH Rule 2.3(c).

DATED: Honolulu, Hawai'i, June 14, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Katherine G. Leonard

/s/ Alexa D.M. Fujise

