

**Electronically Filed
Supreme Court
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SCAD-13-0000016

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT,
Petitioner,

vs.

MICHAEL K. KANESHIRO,
Respondent.

ORIGINAL PROCEEDING
(ODC 12-047-9063)

ORDER OF TRANSFER TO INACTIVE STATUS

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

The Office of Disciplinary Counsel (ODC) petitions to transfer Respondent Michael K. Kaneshiro to inactive status due to a mental or physical illness or disability. Because the motion was approved for filing by the Disciplinary Board Chair, we view the motion as a Disciplinary Board Petition to Determine Capacity to Practice Law, made pursuant to Rule 2.19(b) of the Rules of the Supreme Court of the State of Hawai'i (RSCH). Respondent Kaneshiro did not submit a response. Upon consideration of the petition and the affidavits and exhibits attached thereto, this court concludes that Respondent Kaneshiro

is rendered incapable of the practice of law due to a mental or physical illness or disability. Therefore,

IT IS HEREBY ORDERED that the Clerk shall re-caption the case *Disciplinary Board of the Hawai'i Supreme Court v. Michael K. Kaneshiro*.

IT IS FURTHER ORDERED that Respondent Michael K. Kaneshiro is immediately transferred to involuntary inactive status in this jurisdiction pursuant to RSCH Rules 2.19(c), effective with the filing of this order. Respondent Kaneshiro shall remain on involuntary inactive status until further order of this court.

IT IS FURTHER ORDERED that ODC shall attempt to effect personal service of this order upon Respondent Kaneshiro and shall file with this court an affidavit setting forth the results of such service attempts within 20 days after the date of entry of this order.

IT IS FURTHER ORDERED that Respondent Kaneshiro may file a motion with this court, at any time he deems appropriate, for reinstatement to the practice of law. Said motion shall state with particularity evidence in support of the motion, including pertinent medical reports, as set forth in RSCH Rule 2.19(g).

IT IS FURTHER ORDERED that upon transfer of Respondent Kaneshiro to inactive status the Office of Disciplinary Counsel

shall suspend and hold in abeyance any disciplinary proceedings against Respondent Kaneshiro to the extent required by RSCH Rule 2.19(h).

IT IS FINALLY ORDERED that the Board shall publicize notice of the transfer of Respondent Kaneshiro to inactive status, as required by RSCH Rules 2.19(d) and (e).

DATED: Honolulu, Hawai'i, February 22, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

