

**Electronically Filed
Supreme Court
SCAD-13-0000572
15-JUL-2013
10:20 AM**

SCAD-13-0000572

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

PHILIP M. KLEINSMITH, Respondent.

ORIGINAL PROCEEDING
(ODC 13-016-9086)

ORDER IMPOSING PUBLIC CENSURE

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

Upon consideration of the Office of Disciplinary Counsel's May 1, 2013 petition for issuance of a reciprocal discipline notice to Respondent Philip Martin Kleinsmith, pursuant to Rule 2.15(b) of the Rules of the Supreme Court of the State of Hawai'i (RSCH), the memorandum, affidavit, and exhibits appended thereto, the May 23, 2013 Notice of Reciprocal Discipline issued by this court, and the record, it appears: (1) on March 20, 2012, the Supreme Court of Arizona imposed upon Respondent Kleinsmith a reprimand, a one-year term of probation, subject to early termination upon the completion of an ethics course at his own expense, and costs of the proceedings, for conduct in violation of Rules 1.1, 1.3, 1.4, 1.5, 1.16, 5.3, and

8.4(d) of the Arizona Rules of Professional Conduct; (2) this court's May 23, 2013 Notice of Reciprocal Discipline was served on Respondent Kleinsmith on May 28, 2013, (3) by the terms of the May 23, 2013 order and RSCH Rule 2.15(b), Respondent Kleinsmith had until June 27, 2013 to respond to the Notice with any reasons as to why reciprocal discipline should not be imposed upon him, (4) Respondent Kleinsmith has failed to file a response with this court, and (5) a review of the record and precedent demonstrates, pursuant to RSCH Rules 2.15(c) and (d), that reciprocal discipline is authorized and justified. Therefore,

IT IS HEREBY ORDERED that Respondent Philip Martin Kleinsmith is publicly censured by this court, pursuant to RSCH Rules 2.3(a)(3) and 2.15(c).

IT IS FURTHER ORDERED that Respondent Kleinsmith shall bear the costs of these reciprocal proceedings, pursuant to RSCH Rule 2.3(c), upon the timely submission of a verified bill of costs by the Office of Disciplinary Counsel.

DATED: Honolulu, Hawai'i, July 15, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

