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JUN 03 2016

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 16-Q-10768
)	
ROBERT DUANE KAWAMURA,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 128730.)	
_____)	

On February 9, 2016, Respondent Robert Duane Kawamura filed a resignation with charges pending. On April 11, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report and recommendation regarding the resignation; it recommends that the resignation be accepted. Based on OCTC's recommendation and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below, we recommend that the Supreme Court accept the resignation.

I. BACKGROUND

Kawamura was admitted to practice law in California on June 23, 1987. He is also a member of the Hawaii State Bar Association, and he has resided in Hawaii since 1988. On November 16, 2011, Kawamura changed his California State Bar membership status from active to inactive. He has two prior records of discipline in California.

First, on July 18, 2013, (effective August 13, 2013), Kawamura stipulated to a private reproof with conditions lasting for one year. (State Bar Court case no. 13-J-10040.)

Kawamura's reproof stemmed from his 2012 discipline by the Disciplinary Board of the Hawaii

¹ All further references to rules are to this source unless otherwise noted.



Supreme Court for misconduct that amounted to the failure to perform with competence in one client matter. (Rules of Prof. Conduct, rule 3-110(A).) In mitigation, Kawamura had no prior record of discipline in either California or Hawaii, and he entered into a pretrial stipulation with OCTC. No aggravating circumstances were found.

Second, on April 10, 2015, (effective May 10, 2015), the Supreme Court ordered Kawamura suspended for one year, execution stayed; placed on probation for two years; and actually suspended for the first 90 days of probation. (*In re Robert Duane Kawamura* (S224067), State Bar Court case no. 14-H-02421.) Kawamura stipulated to one count of violating the terms of his reproof from case no. 13-J-10040. (Rules of Prof. Conduct, rule 1-110.) Kawamura failed to timely submit two quarterly reports to the Office of Probation of the State Bar (Probation), and also failed to submit: two other quarterly reports; proof of completion of required Minimum Continuing Legal Education courses; and proof of passage of the Multistate Professional Responsibility Examination. Kawamura's prior record of discipline and multiple acts of misconduct were considered in aggravation. He received mitigating credit for entering into a pretrial stipulation with OCTC.

At the time Kawamura filed his resignation, Probation had referred two matters to OCTC regarding Kawamura's failure to comply with the conditions of his probation in case no. 14-H-02421. (State Bar Court case nos. 15-N-13635 and 15-O-15639 (both unfilled).) On March, 2016, he entered into a stipulation as to facts and conclusions of law with OCTC. In case no. 15-N-13635, he stipulated to a violation of California Rules of Court, rule 9.20, because he failed to file a timely compliance declaration with the State Bar Court by June 19, 2015, as ordered by the Supreme Court in case no. 14-H-02421. The parties stipulated that Kawamura subsequently filed a fully compliant 9.20 declaration on November 30, 2015. In case no.

15-O-15639, Kawamura stipulated he failed to comply with all conditions attached to his disciplinary probation in violation of Business and Professions Code section 6068, subdivision (k).

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered Kawamura's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that the perpetuation of the evidence is not necessary in the pending matters.

2. Whether after transfer to inactive status, Kawamura has practiced law or has advertised or held himself out as entitled to practice law.

OCTC reports that there is no evidence that Kawamura has practiced law in California or held himself out as entitled to practice law in California since he tendered his resignation or since he transferred his status to inactive on November 16, 2011.

3. Whether Kawamura performed the acts specified in rule 9.20(a)-(b).

OCTC reports that Kawamura performed the acts specified in rule 9.20(a)-(b).

4. Whether Kawamura provided proof of compliance with rule 9.20(c).

The parties stipulated that Kawamura filed a fully compliant rule 9.20 declaration on November 30, 2015. Based on review of our records, we note that this declaration was filed in case no. 14-H-02421. In this resignation matter, Kawamura filed a rule 9.20 declaration on February 9, 2016.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending disbarment.

7. Whether Kawamura previously resigned or has been disbarred and reinstated to the practice of law.

Kawamura has not previously resigned or been disbarred in California.

8. Whether Kawamura entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

Kawamura and OCTC entered into a stipulation as to facts and conclusions of law, which was filed on April 11, 2016.

9. Whether accepting Kawamura's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

We recommend accepting Kawamura's resignation for the reasons OCTC presented in its filings in this matter. Kawamura: (1) submitted a rule 9.20 compliance declaration; (2) submitted a stipulation to facts and conclusions of law; (3) has not practiced in California since November 16, 2011; (4) cooperated with OCTC by entering into a stipulation as to facts and conclusions of law regarding the probation violation matters; and (5) has no Client Security Fund claims, or other, claims pending against him. Further, Kawamura is 56, has resided in Hawaii since 1988, and is willing to forfeit his California law license. He would not be eligible for readmission until he is 61. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting the resignation, and we believe that acceptance would be consistent with the need to protect the public, the courts, and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation Robert Duane Kawamura, State Bar number 128730. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on June 3, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED JUNE 3, 2016

in a sealed envelope for collection and mailing on that date as follows:

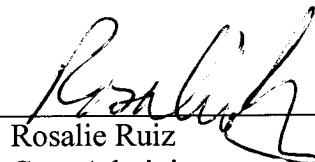
- X by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ROBERT D. KAWAMURA
KAWAMURA LAW OFFICE
350 WARD AVE STE 106
HONOLULU, HI 96814

- X by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ALEX J. HACKERT, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 3, 2016.



Rosalie Ruiz
Case Administrator
State Bar Court