

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Matter of the Amendment  
of the  
Rules of the Supreme Court of the State of Hawai'i

ORDER AMENDING RULE 10.1(a) OF THE  
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I  
(By: Moon, C.J.; Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rule 10.1(a) of the Rules of the Supreme Court of the State of Hawai'i is amended, effective July 1, 2005, as follows (deleted material is bracketed and stricken, new material is underlined):

**Rule 10. LAWYERS' FUND FOR CLIENT PROTECTION.**

**10.1. Purpose; trustees; administration.**

**(a) Purpose; definition of "dishonest conduct."** The purpose of the Lawyers' Fund for Client Protection of the [~~Bar of~~] Hawai'i Supreme Court ("Fund") is the reimbursement, to the extent and in the manner provided by these rules, of losses caused by the dishonest conduct of members of the bar of this State.

The words "dishonest conduct" as used herein mean wrongful acts committed by an attorney in the manner of defalcation or embezzlement of money; or the wrongful taking or conversion of money, property or other things of value; or refusal to refund unearned fees received in advance where the attorney performed no services or such an insignificant portion of the services that the refusal constitutes a wrongful taking or conversion of money; or borrowing money from

a client without intention or reasonable ability or reasonably anticipated ability to repay it.

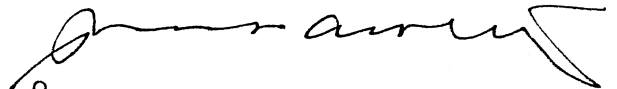
\* \* \*

DATED: Honolulu, Hawai'i, February 16, 2005.



Steven Levinson

Timothy C. Nakayama



Dana E. Duggan, Sr.