

EM. RIMANDO
CLERK
SUPREME COURT
STATE OF HAWAII

2008 DEC 10 AM 10:28

FILED

In the Matter of the Amendment
of the
HAWAI'I REVISED CODE OF JUDICIAL CONDUCT

AMENDED¹

ORDER AMENDING THE HAWAI'I REVISED CODE OF JUDICIAL CONDUCT
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that the Hawai'i Revised Code of Judicial Conduct, approved and adopted on August 29, 2008 and effective January 1, 2009, is amended as to Application Section III (A) (2) and Rule 3.13(C) as follows (deleted material is bracketed and stricken; new material is underscored):

APPLICATION

III. Part-time Judge

(A) This Code applies to a part-time judge, including a retired judge recalled to service who is permitted to practice law and a per diem judge ("part-time judge"), except that a part-time judge is not required to comply with either of the following:

- (1) Rules 2.10(A) and 2.10(B) (Judicial Statements on Pending and Impending Cases), except while serving as a judge; or
- (2) Rules 3.4 (Appointments to Governmental Positions), 3.8 Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11 (Financial, Business, or Remunerative Activities), 3.14 (Reimbursement of Expenses and Waivers of Fees or Charges), ~~[3.15 (Reporting Requirements);]~~ 4.1 (Political Activities of Judges in General), and 4.3 (Activities of Judges Seeking Retention in or Appointment to Judicial Office), at any time.

¹ The original order was filed on November 25, 2008. This amended order makes a correction to Rule 3.13(C), in the Code Comparison (i.e., deleting "Rule 13.3(B)" and replacing it with "Rule 3.13(b)".)

Rule 3.13: Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or
Other Things of Value

* * *

(C) Unless otherwise prohibited by law* or by Rule 3.13(A), a judge may accept the following items and must report such acceptance to the extent required by Rule 3.15:

(1) gifts, loans, bequests, benefits, or other things of value, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge; and

(2) gifts, bequests, favors, loans, or other types of value exceeding \$200.00, if the donor is not a party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge.

Code Comparison

The Hawai'i Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.13(C) by recategorizing public testimonial gifts and event invitations as nonreportable gifts under Rule [13.3(B)] 3.13(b) and adding paragraph (2).

* * *

DATED: Honolulu, Hawai'i, December 10, 2008.



Steven Levinson



James E. Duffly, Jr.