

RE:           **Proposed Amendment to Rule 1.9 of the  
Rules of the Supreme Court of the State of Hawai'i**

*PRO HAC VICE - ADMISSION TO HAWAII BAR*

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 1.9 of the Rules of the Supreme Court of the State of Hawai'i. The proposal clarifies and details additional requirements for out-of-state attorneys seeking *pro hac vice* admission to the Hawai'i bar. The proposed rule is attached hereto.

Comments about the proposed rule should be submitted, in writing, **no later than Monday, November 17, 2014**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website.

Attachment

**PROPOSED AMENDMENT OF THE  
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**  
(New material is underlined)

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**Rule 1.       ADMISSION TO THE BAR.**

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**1.9.    *Pro hac vice* appearance of counsel.**

**(a)** Any attorney actively licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia who is not a resident of Hawai'i may be permitted to associate himself or herself with a member or members of the Hawai'i bar (local counsel) in the presentation of a specific case at the discretion of the presiding judge or judges. The petition or motion for *pro hac vice* appearance and any subsequent documents submitted on behalf of a party must be filed by local counsel and must comply with subsection (b) of this Rule. An attorney allowed to appear *pro hac vice* in a case may continue on appeal in the same case without filing a new petition or motion for *pro hac vice* admission so long as the attorney complies with all other provisions of this Rule.

An attorney allowed to appear *pro hac vice* shall, for each year the order is effective, pay to the Hawai'i State Bar an annual Disciplinary Board fee authorized by the supreme court, provided that if the attorney is allowed to appear in more than one case, only one fee shall be paid. The Hawai'i State Bar may assess a reasonable fee to register and collect this fee on an annual basis.

Failure to file proof of such payment in the record, within 10 days after entry of the order and in January of each subsequent year in which the case is pending, voids the order allowing the appearance *pro hac vice*, and a new petition or motion for *pro hac vice* appearance must be filed and approved by the presiding judge.

**(b)** Local counsel shall file the petition or motion for *pro hac vice* appearance and the petition or motion shall be supported by:

**(1)** the declaration of local counsel that provides, at minimum, the following information:

**(A)** local counsel's business address and address for service of process; and

**(B)** affirmation that local counsel understands he or she is the attorney of record and is ultimately responsible for all phases of the litigation;

**(2)** the declaration of the applicant for *pro hac vice* admission that provides, at minimum, the following information:

**(A)** the applicant's business address, the name of the law firm the attorney is associated with and the address of the law firm;

**(B)** every state and federal jurisdictions to which the applicant has been admitted to practice law and a certificate of good standing from each listed jurisdiction;

**(C)** any and all disciplinary proceedings that have been filed against the applicant and the disposition of those proceedings, or a statement, if applicable, that the applicant has never been the subject of any disciplinary proceeding;

(D) the title and case number of each case and court in this State in which the applicant has been allowed to appear *pro hac vice* and the present status of each case; and

(E) an affirmation that, if admitted, the applicant will comply with all Hawai'i statutes and laws and all rules of the courts; is familiar with the Hawai'i Rules of Professional Conduct and Guidelines of Professional Courtesy and Civility for Hawai'i Lawyers and understands that when admitted *pro hac vice*, the applicant will be subject to the Hawai'i disciplinary process, with respect to any acts or omissions occurring during representation pursuant to this Rule.

(c) An attorney allowed to appear *pro hac vice* pursuant to this Rule is subject to the jurisdiction of Hawai'i courts with respect to Hawai'i law governing the conduct of attorneys to the same extent as any other attorney admitted to practice in the courts of this state. The attorney allowed to appear *pro hac vice* is subject to the disciplinary jurisdiction of the Office of Disciplinary Counsel and the Disciplinary Board of the Supreme Court of Hawai'i. The court in which an attorney is appearing *pro hac vice* or the Supreme Court of Hawai'i may, for violations of Hawai'i law, the Hawai'i Rules of Professional Conduct, or orders of the court, withdraw the permission for the attorney to appear *pro hac vice*.

(d) Local counsel of record shall sign all pleadings, motions, briefs, or any other documents submitted in the case, and shall participate actively in all phases of the case and be prepared to go forward with the case at all times.

(e) Local counsel shall provide to the Hawai'i State Bar Association a copy of the order allowing the appearance of counsel *pro hac vice* and shall notify the Hawai'i State Bar Association when the case is closed or the order granting *pro hac vice* admission is no longer valid.

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