

RE: **Rules 1.14 and 22 of the Rules of the Supreme Court of the State of Hawai'i**

PROPOSED AMENDMENTS REGARDING CLE COMPLIANCE

The Supreme Court of Hawai'i seeks public comment regarding proposals to amend Rules 1.14(a), 22(b) and 22(c) of the Rules of the Supreme Court of the State of Hawai'i (RSCH), and to add new RSCH Rule 1.14(f).

The amendments are intended to clarify the intersection and interaction between RSCH Rule 1.14 (governing the Professionalism Course required of all new bar admittees by the Supreme Court) and RSCH Rule 22 (imposing among other things a requirement of Continuing Legal Education credits in ethics). The proposed amendments are attached hereto.

Comments about the proposed amendment should be submitted, in writing, **no later than Monday, August 20, 2018**, 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 AMENDMENTS OF THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**
(Deleted material is bracketed and stricken; new material is underlined)

Rule 1. ADMISSION TO THE BAR

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1.14. Mandatory professionalism course.

(a) Professionalism Course. Each person licensed to practice law after July 1, 2001, shall, no later than December 31 of the year following the year of election of active status, complete the Hawai'i Professionalism course conducted under the joint sponsorship of the Hawai'i State Bar and the Supreme Court of Hawai'i. This rule applies to every license issued after July 1, 2001, pursuant to any part of Rule 1 of the Rules of the Supreme Court of the State of Hawai'i, except Rules 1.9 and 1.13. The required Hawai'i Professionalism course is separate and distinct from other Mandatory Continuing ~~[Professional]~~Legal Education (CLE) programs available through the Hawai'i State Bar or other legal ethics associations and is traditionally offered only bi-annually, in November and June. The Hawai'i State Bar shall notify attorneys facing administrative suspension pursuant to section (c) of this rule, 1 month prior to the final opportunity to complete the professionalism course, of the attorney's impending administrative suspension. Failure to notify an attorney shall not, however, constitute grounds upon which the attorney may contest the imposition of administrative suspension.

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(f) CLE Compliance. Credits earned for completion of the Professionalism Course may be used to comply with the CLE requirement imposed by Rule 22(b) of these Rules. Newly licensed members who are exempt from CLE requirements in the year of their admission, pursuant to Rule 22(j) of these Rules, may carry forward the credits earned into the subsequent year in which they are required to complete CLE units. See Rule 22(j) and Rule 22(c) of these Rules for further information.

Rule 22. MANDATORY CONTINUING LEGAL EDUCATION.

(b) Ethics and Professional Responsibility Minimum. At least once every 3 years in which CLE credits are required, every active member shall complete 1 hour of approved ethics or professional responsibility education. This credit hour shall count toward the annual CLE requirement. “Ethics or professional responsibility education” means those courses or segments of courses devoted to:

- (1) the Rules of Professional Conduct;
- (2) the professional obligations of the lawyer to the client, the judicial system, the public and other lawyers;
- (3) substance abuse and its effects on lawyers and the practice of law; or
- (4) client trust administration, bias awareness and prevention, and access to justice.

(c) Carry Forward of Credit Hours. A member may carry forward from the previous reporting period a maximum of 3 excess CLE or credit hours, including ethics credits. To be carried forward, the credit hours must have been earned during the calendar year immediately preceding the current reporting period.
