

RE: **Proposal to Amend Rules 1.10(c) and 17(d)(8) of the Rules of the Supreme Court of the State of Hawai'i**

AMENDMENTS REGARDING THE PROPER WITHDRAWAL FROM REPRESENTATION

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rules 1.10(c) and 17(d)(8) of the Rules of the Supreme Court of the State of Hawai'i (RSCH).

The amendments emphasize the duty of an attorney who is seeking to resign in good standing, or seeking to transfer to inactive status, to properly withdraw from all client matters prior to applying for those changes in licensing. The proposal is attached hereto.

Comments about the proposed amendments should be submitted, in writing, **no later than Monday, October 1, 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 HAWAI‘I (RSCH)
RULES 1.10(c) and 17(d)(8)**
(New material is underlined)

RULE 1. ADMISSION TO THE BAR.

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1.10. Resignation from the bar while in good standing.

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(c) The Petition shall be supported by (i) the petitioner's affidavit attesting to the fact the petitioner is not the subject of a disciplinary investigation, proceeding, or order in any jurisdiction and has properly withdrawn from all open representations in this jurisdiction, similar to the notice provided to clients and opposing parties through Rules 2.16(a) and (b) of these Rules; (ii) an affidavit of the Executive Director of the Hawai‘i State Bar attesting to the petitioner's current status; (iii) Disciplinary Counsel's affidavit attesting to the fact the petitioner is not the subject of a pending disciplinary investigation, proceeding, or order in Hawai‘i; and (iv) an affidavit of the Executive Director of the Lawyers' Fund for Client Protection attesting that no claims against the petitioner have been made or are pending with the Lawyers' Fund for Client Protection.

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RULE 17. THE HAWAI‘I STATE BAR.

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(d) Member registration, information, assessment, suspension and status.

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(8) **INACTIVE STATUS.** An attorney who is in compliance with this rule, but who has retired or is no longer engaged in practice in this jurisdiction, or who is suffering from a medical condition, may elect inactive status and discontinue the practice of law in Hawai‘i. When applying for inactive status pursuant to this Rule, the attorney shall aver or declare that the attorney has properly withdrawn from all open representations in this jurisdiction, similar to the notice required by Rules 2.16(a) and (b) of these Rules. The Bar shall not honor a voluntary election to inactive status for medical reasons unless the election is supported by a physician’s affidavit or declaration that the attorney is experiencing a serious medical condition and the attorney’s affidavit or declaration that the election is due to medical reasons and not solely for purposes of the exemption provided by paragraph (6) above. Upon the filing and recognition of an election to inactive status, together with a processing fee in such amount as the Board of Directors shall determine from time to time, the attorney shall be placed on inactive status and shall no longer be eligible to practice law. An attorney on inactive status shall be carried on the rolls of the Bar in such inactive classification(s) as may be provided in the bylaws of the Bar and, except as provided by paragraph (6), shall be required to pay such dues or fees, if any, as the Board of Directors of the Bar may prescribe from time to time or as the supreme court may direct in accordance with the Rules of the Supreme Court of the State of Hawai‘i.

The Bar shall advise the Disciplinary Board and the clerk of this court of the names of all attorneys who assume inactive status. Attorneys on inactive status shall remain subject to the jurisdiction of this court, the Disciplinary Board, the Lawyers' Fund for Client Protection, the Attorneys and Judges Assistance Program and the Bar.

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