

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Amendment
of the
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII

ORDER AMENDING RULES 17(d) and 17.1 OF THE
SUPREME COURT OF THE STATE OF HAWAII

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rules 17(d) and 17.1 of the Rules of the Supreme Court of the State of Hawaii are amended, effective July 1, 2007, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 17. THE HAWAII STATE BAR.

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

(1) MEMBER REGISTRATION. Each member of the Hawaii State Bar shall file an attorney registration statement and provide such information as the Board of Directors may require. A member shall notify the Hawaii State Bar, in writing, within thirty (30) days of any change of such required information. The registration statement shall include a disclosure of any professional discipline or convictions (except for offenses which would be classified under Hawaii law as petty misdemeanors or violations, such as traffic citations) in any jurisdiction.

(3) ADMINISTRATIVE SUSPENSION. Failure to file a properly completed attorney registration statement or nonpayment of any dues, fees, or charges required by these rules, after 15 days written notice, shall result in automatic suspension by the ~~[clerk of the court,]~~ Hawaii State Bar, of membership and the right to practice law until reinstatement. The Board of Directors of the Bar (1) may establish late processing fees and reinstatement charges and (2) may exempt from the registration requirements inactive attorneys who do not maintain active licenses and do not practice law in any other jurisdiction.

(4) REINSTATEMENT. Any attorney suspended under the provisions of (3) above shall be reinstated by the ~~[clerk of this court]~~ Hawaii State Bar without further order upon:

(i) payment to the Bar of all arrears and a late processing and reinstatement charge in such amount as shall be determined by the Board of directors from time to time, and

(ii) satisfaction of such other requirements as may be imposed by the Board of Directors of the Bar and/or this court.

(6) **PROOF OF PAYMENT.** An attorney's cancelled check duly endorsed and negotiated by the Bar or other confirmation of payment, shall constitute a receipt for payment of fees under this rule in order to enable the attorney on request to demonstrate compliance with the requirements of this rule.

(8) **RETURN FROM INACTIVE STATUS.** An attorney on inactive status remains in that status until and unless the attorney requests and is granted reinstatement to the active roll. Reinstatement shall, unless the attorney is subject to an outstanding order of suspension or disbarment, be automatic ~~[granted by the clerk of this court without further order,]~~ upon the payment to the Bar of the dues and fees for the year the request is made, satisfaction of such other requirements as may be imposed from time to time by the Board of Directors of the Bar or this court or both, payment of any processing fee(s) and charges required by the Board and payment of the most recent assessment to the Lawyers' Fund for Client Protection.

(g) Adoption and amendment of rules regarding Bar. This rule is adopted by the Supreme Court of the State of Hawai i, and shall take effect November 1, 1989; provided, however, that implementation and transition to the unified Bar shall be as directed by subsequent order of this court. Rules 1, 2, 6, 7, 10, 11 and 14 are being amended by separate order to take effect on the same date. This rule and Rule 1 [Admissions], Rule 2 [Discipline], Rule 6 [Professional Corporations], Rule 7 [Student Practice], Rule 10 [Lawyers' Fund for Client Protection], Rule 11 [IOLTA], Rule 14 [Foreign Law Consultants], and Rule 16 [Substance Abuse], and any new rule of this court relating to the Bar, its authority, functions and duties shall be adopted, amended, or repealed after the effective date hereof only as follows. Prior written notice shall be given to the Board of Directors by the supreme court at least ninety days before the effective date of the proposed adoption, amendment, or repeal. The Board shall determine whether the proposed adoption, amendment, or repeal shall be the subject of a public hearing, written comment, or other means of public or member participation, and, if so, the Board shall determine the means of public or member participation. In making its determinations, the Board shall consider the extent to which any proposal relates to the purposes and powers of the Bar, its authority, functions, and duties.

Notice of a public hearing shall be published in the Hawai i Bar ~~[News]~~ Journal at least thirty days before the hearing, and may be published in other ways, such as a newspaper of general circulation. The notice shall state the time(s), date(s), and place(s) of the hearing(s). The notice shall include the text of the proposal, or a statement of the substance of the proposal, or a general description of the subjects involved and the purposes to be achieved. If the full text of the proposal is not printed in the Hawai i Bar ~~[News]~~ Journal, the notice shall state how a copy of the proposal may be obtained at no cost. The notice shall state where and when people may submit written comments in addition to or in place of oral testimony. Hearings shall be held in each county in the State of Hawai i in which affected members reside to the extent deemed prudent by

the Board. Audio or tele-video conferencing may be used in place of sending the hearing officer to each county.

If the Board of Directors determines that a public hearing shall not be held but comments will be accepted, notice of the proposed rule adoption, amendment, or repeal shall be given in the Hawai i Bar ~~[News]~~ Journal at least thirty days before the proposal is to take effect. The notice shall inform the reader of the proposal in a manner similar to the notice of a public hearing, above, and shall state when and where comments shall be submitted.

17.1. Child support enforcement.

(a) Suspension of license to practice law. Upon receipt by the Hawai i State Bar of a certification from the Child Support Enforcement Agency of the State of Hawai i (CSEA) that a person licensed to practice law in this jurisdiction is not in compliance with an order of support or is not in compliance with a subpoena or warrant relating to a paternity or child support proceeding, ~~the [Hawai i State Bar shall immediately suspend the]~~ license of the person so certified shall be automatically suspended.

(b) Reinstatement to practice. A license suspended under subsection (a) of this rule shall not be reinstated until the CSEA or the Family Court issues, in writing, an authorization canceling the certification of noncompliance. Upon receipt of the authorization canceling the certification and payment of all fees and costs assessed, including arrears, by the Hawai i State Bar, ~~[the Hawai i State Bar shall reinstate]~~ the license of the attorney shall be automatically reinstated.

(c) Fee assessment. The Hawai i State Bar may assess a reasonable fee for reinstating or restoring a license and may also charge the attorney a reasonable fee to cover the administrative costs incurred by the Hawai i State Bar to comply with this rule.

DATED: Honolulu, Hawai i, June 25, 2007.