

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 RULE 17(d) OF THE RULES OF THE
SUPREME COURT OF THE STATE OF HAWAII

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

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

(d) Member registration, information, 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. At minimum, ~~[F]~~ the registration statement shall ~~[include a]~~ require disclosure of ~~[any]:~~

(i) professional discipline or convictions ~~[(except] in any jurisdiction, provided that convictions~~ for offenses ~~[which] that are or would be classified under Hawaii law as petty misdemeanors [or], violations, [such as traffic citations) in any jurisdiction.]~~ or infractions need not be disclosed;

(ii) hours of pro bono service for the previous year. Pro bono service hours for individual members shall be confidential, and the Hawaii State Bar shall disclose such information only in aggregate reports of pro bono hours for the entire membership; and

(iii) professional liability insurance, if any; provided that each active member who certifies the member is a government lawyer or in-house counsel and does not represent clients outside that capacity is exempt from providing professional liability insurance information.

(2) INFORMATION TO DISCIPLINARY COUNSEL. The Hawaii State Bar shall provide to the Office of Disciplinary Counsel and the Disciplinary Board information regarding: (1) the members' addresses for service of process as required by Rule 2.11 of these rules; (2) members' certification of annual compliance with trust accounting procedures as required by Rule 11(f) of these

rules; (3) members certification of compliance with accounting rules, as required by Rule 1.15(f)(3) of the Rules of Professional Conduct; and (4) the disclosure of professional discipline or convictions required in subsection (i) herein. In addition, the Hawai i State Bar shall provide to the Office of Disciplinary Counsel and the Disciplinary Board information regarding individual members necessary to assist in furtherance of their duties under Rule 2 of these rules.

~~[(2)]~~(3) DUES, FEES AND CHARGES. Each member shall pay to the Bar the following dues, fees or charges:

~~[(3)]~~ (4) 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 Hawai i 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)]~~(5) REINSTATEMENT. Any attorney suspended under the provisions of ~~[(3)]~~(4) above shall be reinstated by the Hawai i State Bar without further order upon:

~~[(5)]~~(6) EXEMPTIONS.

~~[(6)]~~(7) 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.

~~[(7)]~~(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, may advise the Bar in writing that the attorney desires to assume inactive status and discontinue the practice of law in Hawai i. Upon the filing of such notice, 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 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 jurisdictions of this court, the Disciplinary Board, the Lawyers' Fund for Client Protection, the Attorneys and Judges Assistance Program and the Bar.

~~[(8)]~~(9) 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 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.

DATED: Honolulu, Hawaii, October 10, 2007.