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SCRU-11-0000068

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the Amendment
of the
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI‘I

ORDER ADOPTING RULE 1.16 OF THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI‘I
(By: Recktenwald, C.J., Acoba and Duffy, JJ., and Intermediate
Court of Appeals Chief Judge Nakamura, assigned by reason of
vacancy; Nakayama, J., dissenting)

IT IS HEREBY ORDERED that Rule 1.16 of the Rules of the
Supreme Court of the State of Hawai‘i is adopted, effective July
1, 2011, as follows:

Rule 1. ADMISSION TO THE BAR.

* * *

**1.16. Limited Admission of Attorneys Employed by Non-profit
Organizations Providing Civil Legal Services to Economically
Disadvantaged Persons.**

(a) Employees. An attorney employed by a civil legal service provider recognized by the Internal Revenue Service as a 501(c)(3) non-profit organization (“Legal Service Provider”) that is eligible to receive funds from the Indigent Legal Assistance Fund, who has been admitted to practice by the highest court of another state, the District of Columbia, or a territory of the United States, and whose license to practice in that jurisdiction is active and who is a graduate of a law school approved by the American Bar Association Council on Legal Education and Admissions to the Bar may apply for limited admission and be accorded limited admission without examination. In all other respects the

application shall be made, adjudged, and conditioned as provided by Rules 1.3(a), (b), (c), (d), (e), (h), (i), 1.4 and 1.5 of this Rule 1.

(b) Term Limitation; Extensions. The term of admission under this Rule 1.16 shall be limited to a period of 2 years. The term may be extended one time for a period of 2 years at the request of the Executive Director or highest executive of the Legal Service Provider, provided the attorney has not been disciplined under Rule 2 of these rules. The license given under this Rule 1.16 shall expire at the end of the term or any extension thereof, when the attorney admitted under this Rule 1.16 ends employment with the Legal Service Provider, or when the Legal Service Provider ceases to be eligible to receive funds from the Indigent Legal Assistance Fund, whichever occurs earliest. The license admitting such employee shall be in the form provided by Rule 1.6. If an attorney admitted under this rule separates from his or her employment with the Legal Service Provider, or if the status of the Legal Service Provider changes so that it is not eligible to receive funds from the Indigent Legal Assistance Fund, then both the attorney and the Legal Service Provider shall immediately notify the Clerk of the Supreme Court and the attorney shall immediately cease and desist from the practice of law in the State of Hawai‘i.

(c) Client and Compensation Limitation. Attorneys admitted pursuant to this Rule 1.16 may represent only clients of the Legal Service Provider. Attorneys admitted pursuant to this Rule 1.16 may not demand or receive any compensation from clients other than the compensation received from the Legal Service Provider.

(d) Discipline; Dues. Attorneys admitted pursuant to this Rule 1.16 shall be subject to discipline under Rule 2, and shall in all other respects be required to pay dues and fees lawfully imposed on attorneys licensed to practice law in the State of Hawai‘i. The fees for application and certificate of admission shall be assessed and paid on application for admission under this Rule 1.16. The fees determined under Rule 17(d)(3) shall be assessed and paid from and after admission to the bar without limitation of time.

DATED: Honolulu, Hawai‘i, February 24, 2011.

/s/ Mark E. Recktenwald

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Craig H. Nakamura



I do not concur.

/s/ Paula A. Nakayama

