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Supreme Court
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SCRU-11-0000068

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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

ORDER AMENDING RULE 2.17 OF THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

IT IS HEREBY ORDERED that Rule 2.17 of the Rules of the Supreme Court of the State of Hawai'i, is amended, effective January 1, 2014, as follows (deleted material is bracketed and stricken; new material is underscored):

2.17. Reinstatement.

* * *

(b) Time to Apply.

* * *

(6) REQUIRED EVIDENCE. A petitioner under parts (b)(1) and (b)(3) of this Rule 2.17 shall support the petition with the following information, submitted under seal:

* * *

(G) a statement of assets and financial obligations during the period of discipline, including the dates acquired or incurred and the names and addresses of all creditors.

* * *

(c) Petition the board; serve counsel; investigation; hearing; reports. Petitions for reinstatement by a disbarred attorney or an attorney suspended for more than one year shall be filed with the Board and served upon Counsel. Upon receipt of the petition, the Board shall, following a reasonable investigation by counsel of the attorney's fitness for reinstatement, refer the petition to a hearing committee or officer. The investigation shall be completed within 180 days unless the Board Chairperson, upon a showing of good cause, extends the time to complete the investigation. The hearing committee or officer

shall promptly schedule a hearing, unless the petitioner requests the matter be heard upon the pleadings and exhibits and Chief Disciplinary Counsel agrees. Petitioner and Chief Disciplinary Counsel may stipulate to facts. Within 30 days after the conclusion of the hearing, the hearing committee or officer shall submit to the Board a report containing its findings and recommendations, together with the record of the proceedings unless such time is extended by the Board Chairperson for no more than 30 days for good cause shown. The Board shall review the report of the hearing committee or officer and the record and shall either: (1) ~~submit a report containing its findings and recommendations, together with the record, to the supreme court, which shall promptly enter an appropriate order, or (2)]~~ remand the matter for further proceedings before the hearing committee or officer or (2) submit a report containing its findings and recommendations, together with the record, to the supreme court. The supreme court may grant briefing and oral argument at its discretion, either *sua sponte* or in response to a motion timely filed by either party within 10 days after the filing of the report with the court.

(d) Expenses. The supreme court shall, absent good cause to the contrary, direct that the necessary expenses incurred in the investigation and processing of a petition for reinstatement be paid by the attorney seeking reinstatement, upon the filing by Counsel of a verified bill of costs within 60 days after final disposition of the petition.

DATED: Honolulu, Hawai'i, December 3, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

