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SCRU-11-0000068

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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

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ORDER AMENDING RULE 1.9 OF THE  
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI‘I  
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that Rule 1.9 of the Rules of the Supreme Court of the State of Hawai‘i is amended, effective July 1, 2015, as follows (deleted material is bracketed and stricken; new material is underscored):

**Rule 1.           ADMISSION TO THE BAR.**

\* \* \*

**1.9. *Pro hac vice* appearance of counsel.**

**(a)** Any attorney actively licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia who is not a resident of Hawai‘i may be permitted to associate himself or herself with a member or members of the Hawai‘i bar (local counsel) in the presentation of a specific case at the discretion of the presiding judge or judges. The petition or motion for *pro hac vice* appearance and any subsequent documents submitted on behalf of a party must be filed by local counsel and must comply with subsection (b) of this Rule. An attorney allowed to appear *pro hac vice* in a case may continue on appeal or upon remand in the same case without filing a new petition or motion for *pro hac vice* admission so long as the attorney complies with all

applicable Hawai'i statutes, laws, and rules of the court in addition to other provisions of this Rule.

An attorney allowed to appear *pro hac vice* shall, for each year the order is effective, pay to the Hawai'i State Bar an annual Disciplinary Board fee authorized by the supreme court, provided that if the attorney is allowed to appear in more than one case, only one fee shall be paid. The Hawai'i State Bar may assess a reasonable fee to register and collect this fee on an annual basis.

Failure to file proof of such payment in the record[;] within 10 days after entry of the order and in January of each subsequent year in the court in which the case is then pending[;] voids the order allowing the appearance *pro hac vice*, and a new petition or motion for *pro hac vice* appearance must be filed.

**(b)** Local counsel shall file the petition or motion for *pro hac vice* appearance and the petition or motion shall be supported by:

(1) the declaration of local counsel that provides, at minimum, the following:

(A) local counsel's business address and address for service of documents; and

(B) affirmation that local counsel understands he or she is the attorney of record and is responsible for all phases of the litigation;

(2) the declaration of the applicant for *pro hac vice* admission that provides, at minimum, the following:

(A) the applicant's business address, the name of the law firm the attorney is associated with and the address of the law firm;

(B) every state and federal jurisdiction to which the applicant has been admitted to practice law and a statement attesting that the attorney is in good standing in those jurisdictions;

(C) any and all disciplinary proceedings in which the applicant was disciplined, any pending disciplinary proceedings against the applicant, or a statement, if applicable, that the applicant has never been the subject of any disciplinary proceeding;

(D) the title and case number of each case and court in this State in which the applicant has been allowed to appear *pro hac vice* and the present status of each case; and

(E) an affirmation that, if admitted, the applicant will comply with all applicable Hawai'i statutes, laws, and rules of the courts including the Hawai'i Rules of Professional Conduct and Guidelines of Professional Courtesy and Civility for Hawai'i Lawyers.

(F) an affirmation that, if admitted, the applicant understands that he or she is subject to all applicable Hawai'i statutes, laws, rules of the court, and the Hawai'i disciplinary process with respect to any acts or omissions occurring during representation pursuant to this Rule.

**(c)** An attorney allowed to appear *pro hac vice* pursuant to this Rule is subject to the jurisdiction of Hawai'i courts with respect to all applicable Hawai'i statutes, laws, and rules of the courts to the same extent as any other attorney admitted to practice in the courts of this state. The attorney allowed to appear *pro hac vice* is subject to the disciplinary jurisdiction of the Supreme Court of Hawai'i. The court in which an attorney is allowed to appear *pro hac vice* or the Supreme Court of Hawai'i may, for violations of Hawai'i law, the

Hawai'i Rules of Professional Conduct, or orders of the court, revoke the permission for the attorney to appear *pro hac vice*, or impose any other appropriate sanction.

(d) Local counsel of record shall sign all pleadings, motions, briefs, or any other documents submitted in the case, and shall participate actively in all phases of the case and be prepared to go forward with the case as required. Service of all papers and pleadings shall be upon local counsel, and shall constitute service upon *pro hac vice* counsel and their client(s).

(e) Local counsel shall provide to the Hawai'i State Bar Association a copy of the order allowing the appearance of counsel *pro hac vice* and shall notify the Hawai'i State Bar Association when the case is closed or the order granting *pro hac vice* admission is no longer valid.

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DATED: Honolulu, Hawai'i, May 14, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

