

RE: Hawai'i Rules of Professional Conduct

SCOPE OF ATTORNEYS' ABILITY TO ASSIST CLIENTS

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 1.2(d) of the Hawai'i Rules of Professional Conduct. The proposal clarifies the extent to which attorneys may assist clients with regard to conduct expressly permitted by Hawai'i law but which may be in conflict with the law of other jurisdictions. The proposed language is attached.

Pursuant to HRS § 602-5(a)(6) (Supp. 2010) and the inherent powers of this court to oversee the bar, see In re Trask, 46 Haw. 404, 415, 380 P.2d 751, 758 (1963), comments about the proposed rule should be submitted, in writing, **no later than Friday, October 16, 2015**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, via the Judiciary's website, or via e-mail to pao@courts.hawaii.gov.

**PROPOSED AMENDMENT TO
HAWAI‘I RULES OF PROFESSIONAL CONDUCT**
(New material is underlined)

**Rule 1.2. SCOPE OF REPRESENTATION AND ALLOCATION OF
AUTHORITY BETWEEN CLIENT AND LAWYER.**

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(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law, and may counsel or assist a client regarding conduct expressly permitted by Hawai‘i law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client’s proposed course of conduct.

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