



Office of the Administrative Director — Administrative Driver's License Revocation Office

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April 1, 2016

TO: Attorneys Representing Clients at the Administrative Driver's License Revocation Office (ADLRO)

FROM: Derek A. D'Orazio, Chief Adjudicator ADLRO

RE: Appropriate Professional Practices at ADLRO

This memo addresses appropriate professional practices for attorneys representing clients at the ADLRO. The Judiciary and the ADLRO have policies in place setting appropriate professional standards expected of all employees. This memo provides similar guidance for attorneys representing clients at the ADLRO.

This memo specifically addresses two issues: 1.) appropriate professional attire at the ADLRO; and, 2.) being on time for scheduled hearings at the ADLRO. The following professional practices are expected at the ADLRO.

1. Appropriate Professional Attire

The ADLRO has had acceptable dress standards in place for attorneys since 1992. This memo updates and replaces the 1992 policy. Attorneys with business at the ADLRO are expected to wear appropriate professional attire in a manner consistent with the dignity of the ADLRO environment.

Acceptable attire for attorneys representing clients during hearings at the ADLRO is the same as appropriate attire in a court setting. Attorneys coming to ADLRO only for purposes of requesting or submitting documents, examining files or other non-hearing circumstances are not required to follow the hearing/court attire guidelines.

As a reminder, per HRS 291E-38(d)(5), Hearing Officers have broad authority and discretion to regulate the course and conduct of hearings as appropriate.

2. Being on Time for Scheduled Hearings

Per HRS 291E-38(l), failure to appear at the hearing as scheduled may result in a default, causing the revocation to be sustained. Current ADLRO policy is stated in paragraph 9 under "Hearing Procedures" in the *Administrative Revocation Process* form (AD-DUI Form 45): "If you arrive 15 minutes or more after the time of your scheduled hearing, you may be held in default."

Attorneys are accordingly reminded of the obligation to be on time for all scheduled hearings at the ADLRO. Tardiness for scheduled hearings can negatively impact subpoenaed witnesses, other hearings and the entire schedule.

It is understood that attorneys are busy, often with competing commitments and demands on their time that may vary depending on what happens at court and/or at other proceedings. If you cannot make it on time to a scheduled ADLRO hearing, you may consider authorizing other attorneys or associates to appear on your behalf at the ADLRO for that hearing.

To authorize another attorney to appear on your behalf at the ADLRO, your client must sign a *Notice of Representation and Authorization for Release of Information* form (AD-DUI Form 42) for that attorney. That attorney must of course be willing and able to timely proceed on your behalf at the hearing in question. You should also have a letter on file at the ADLRO certifying the names of all associates in your firm who are authorized to proceed on your behalf at the ADLRO.

Please contact the Hearing Officer as far in advance as possible prior to the scheduled hearing time if you cannot make it on time to a scheduled ADLRO hearing. Hearing Officers have broad discretion to grant continuances or declare default in these circumstances. Of particular concern is what to do with any subpoenaed witnesses in attendance, and whether the attorney has missed other hearings in the past or if this incident is truly an exception.

Adjudicating the administrative revocation of driving privileges is a serious matter. Appropriate professional practices, of both the ADLRO staff and the attorneys representing clients at the ADLRO, preserves the professionalism and dignity of the process. Thank you for your continuing cooperation in these matters at the ADLRO.