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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 17(g) 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 17(g) of the Rules of the Supreme Court of the State of Hawai'i is amended, effective January 1, 2017, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 17. THE HAWAI'I STATE BAR.

(g) Adoption and amendment of rules regarding Bar. This [r]Rule is adopted by the Supreme Court of the State of Hawai'i, and shall take effect November 1, 1989; provided, however, that implementation and transition to the unified Bar shall be as directed by subsequent order of this court. Rules 1, 2, 6, 7, 10, 11 and 14 are being amended by separate order to take effect on the same date. This [r]Rule and Rule 1 [Admissions], Rule 2 [Discipline], Rule 6 [Professional Corporations], Rule 7 [Student Practice], Rule 10 [Lawyers' Fund for Client Protection], Rule 11 [IOLTA], Rule 14 [Foreign Law Consultants], and Rule 16 [Substance Abuse], and any new rule of this court relating to the Bar, its authority, functions and duties shall be adopted, amended, or repealed after the effective date hereof only as follows. Prior written notice shall be given to the Board of Directors by the supreme court at least [~~ninety~~] 90 days before the effective date of the proposed adoption, amendment, or repeal, unless the supreme court determines there is good cause for a shorter period of notice. The Board shall determine whether the proposed adoption, amendment, or repeal shall be the subject of a public hearing, written comment, or other means of

public or member participation, and, if so, the Board shall determine the means of public or member participation. In making its determinations, the Board shall consider the extent to which any proposal relates to the purposes and powers of the Bar, its authority, functions, and duties.

Notice of a public hearing shall be published in the Hawai‘i Bar Journal at least [~~thirty~~] 30 days before the hearing, unless the supreme court determines there is good cause for a shorter period of notice, and may be published in other ways, such as a newspaper of general circulation, email notification, or website publication. The notice shall state the time(s), date(s), and place(s) of the hearing(s). The notice shall include the text of the proposal, or a statement of the substance of the proposal, or a general description of the subjects involved and the purposes to be achieved. If the full text of the proposal is not printed in the Hawai‘i Bar Journal, the notice shall state how a copy of the proposal may be obtained at no cost. The notice shall state where and when people may submit written comments in addition to or in place of oral testimony. Hearings shall be held in each county in the State of Hawai‘i in which affected members reside to the extent deemed prudent by the Board. Audio or tele-video conferencing may be used in place of sending the hearing officer to each county.

If the Board of Directors determines that a public hearing shall not be held but comments will be accepted, notice of the proposed rule adoption, amendment, or repeal shall be given in the Hawai‘i Bar Journal at least [~~thirty~~] 30 days before the proposal is to take effect, unless the supreme court determines there is good cause for a shorter period of notice. The notice shall inform the reader of the proposal in a manner similar to the notice of a public hearing, above, and shall state when and where comments shall be submitted. The Board may allow for the submittal of comments in electronic or other forms.

All members of the Bar shall be afforded the opportunity to submit their data, views and arguments regarding the proposed adoption, amendment, or repeal at the public hearing, if any, or within any comment period specified in the notice; such data, views, and arguments shall be considered before the adoption, amendment, or repeal of the rule.

Should a polling of the members of the Bar result in a vote by a majority of the membership in opposition to the proposed adoption, amendment, or repeal, the adoption, amendment, or repeal shall not be made except by unanimous action of the supreme court.

DATED: Honolulu, Hawai‘i, November 2, 2016.

/s/ Mark E. Recktenwald
/s/ Paula A. Nakayama
/s/ Sabrina S. McKenna
/s/ Richard W. Pollack
/s/ Michael D. Wilson

