

RE: **Proposal to Amend Rule 2.16(b) of the Rules of the Supreme Court of the State of Hawai'i**

DUTY TO NOTIFY OPPOSING SELF-REPRESENTED LITIGANTS OF WITHDRAWAL

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 2.16(b) of the Rules of the Supreme Court of the State of Hawai'i. The proposal would clarify that disbarred or suspended attorneys must notify self-represented opposing parties of the attorney's impending withdrawal from the matter or proceeding. The proposal is attached hereto.

Comments about the proposed amendment should be submitted, in writing, **no later than Friday, April 26, 2019**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website.

Attachment

**PROPOSED AMENDMENTS TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**
(Deleted materials is bracketed and stricken; New material is underlined)

Rule 2.16. Disbarred or suspended attorneys.

(b) A disbarred or suspended attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, each of [~~his or her~~] the attorney's clients who is involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, or the self-represented litigant, of [~~his or her~~] the attorney's disbarment or suspension and consequent inability to act as an attorney after the effective date of [~~his or her~~] the attorney's disbarment or suspension. The notice to be given to the client shall advise the client of the desirability of the prompt substitution of another attorney or attorneys in [~~his or her place~~] the place of the withdrawing attorney.

In the event the client does not obtain substitute counsel before the effective date of the disbarment or suspension, it shall be the responsibility of the disbarred or suspended attorney to move in the court or agency in which the proceeding is pending for leave to withdraw.

The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the disbarred or suspended attorney.
