

RE: **Proposal to Amend Rule 1.10 of the Rules of the Supreme Court of the State of Hawai'i**

CLARIFYING THE PROCESS OF RESIGNATION IN GOOD STANDING

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 1.10 of the Rules of the Supreme Court of the State of Hawai'i. The proposed amendment clarifies the process by which parties may resign their license to practice law, provided the party can establish good standing. The proposal is attached hereto.

Comments about the proposed amendment should be submitted, in writing, **no later than Monday, June 17, 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 AMENDMENT OF THE RULES OF THE
SUPREME COURT OF THE STATE OF HAWAII**

(Deleted material is bracketed and stricken, new material is underlined)

1.10. Resignation or retirement from the bar while in good standing.

(a) An attorney who is not the subject of a disciplinary investigation, proceeding, or order in any jurisdiction; who is not the subject of a disciplinary order issued by Disciplinary Counsel, the Disciplinary Board, or the Supreme Court; who is not the subject of a pending investigation or right of subrogation on a claim filed with the Lawyers' Fund for Client Protection; and who is otherwise in good standing may petition to resign and surrender his or her license to practice law. In resignations under this Rule, the resigning attorney shall be permitted to retain the paper license as a memento, but shall declare that it shall not be misused for misrepresentation concerning the attorney's status.

(b) The Petition to Resign and Surrender License (Petition) shall be filed with the Clerk, upon the payment of the filing fee for an original action.

(c) The Petition shall be ~~supported~~ accompanied by four declarations ~~by~~ (i) the petitioner's ~~affidavit~~ declaration attesting to the fact the petitioner is not the subject of a disciplinary investigation, proceeding, or order in any jurisdiction and is no longer counsel in any pending matter; (ii) a ~~an~~ affidavit declaration of the Executive Director of the Hawai'i State Bar attesting to the petitioner's current status; (iii) Disciplinary Counsel's ~~an~~ affidavit declaration attesting to the fact the petitioner is not the subject of a pending disciplinary investigation, proceeding, or order in Hawai'i; and (iv) a ~~an~~ affidavit declaration of the Executive Director of the Lawyers' Fund for Client Protection attesting that no claims against the petitioner have been made or are pending with the Lawyers' Fund for Client Protection. The petitioner shall be responsible for obtaining the declarations and submitting them to the clerk at the time the Petition is submitted.

(d) The completed Petition and accompanying declarations shall also be served in person or by certified mail upon Disciplinary Counsel, the Hawai'i State Bar Association, and the Lawyers' Fund for Client Protection at or before the time it is filed with the Clerk, and proof of completed service upon all 3 entities shall be included with the Petition submitted to the court.

(e) Within ~~ten (10)~~ 7 days after the Petition is filed, Disciplinary Counsel may file objections thereto.

(f) The Supreme Court shall consider the Petition and any objections thereto and shall issue an appropriate order.

(g) Attorneys who have been allowed to resign shall comply with the notice, affidavit, and record requirements of Rule 2.16(a), (b), (d), and (g) ~~of~~ RSCH of these Rules.