

RE: **Proposal to Amend Rule 1.17(d) of the Rules of the Supreme Court of the State of Hawai'i**

DUTIES OF ATTORNEYS TERMINATING LICENSE TO PRACTICE

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 1.17(d) of the Rules of the Supreme Court of the State of Hawai'i. The proposal clarifies that military-spouse attorneys whose licensed to practice in this jurisdiction is terminating are under a duty to notify, in addition to counsel for adverse parties, any self-represented adverse parties of the attorney's impending withdrawal. The proposal is attached hereto.

Comments about the proposed amendments should be submitted, in writing, **no later than Thursday, September 7, 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.

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

Rule 1.17. Limited admission of United States Uniformed Services

(b) Practice requirements. An attorney admitted under this Rule shall comply with the registration requirements and payment of annual assessments as required of all licensed Hawai'i attorneys under Rule 17(d) of these Rules, during the duration of the provisional license. In addition, the applicant:

(1) shall complete, within [~~one~~] 1 year of admission under this Rule, the Hawai'i Professionalism Course, sponsored by the Hawai'i Supreme Court, as further described in Rule 1.14 of these Rules;

(c) Term Limitation; Extensions. The provisional license granted under this Rule shall terminate 30 days after the earliest occurrence of any of the following events:

(1) the passage of [~~four~~] 4 years from the date of issuance;

(d) Duties upon termination of the license. Upon termination of the license granted under this Rule, if the attorney thereafter shall not be licensed to practice in this jurisdiction under some other authority, the attorney shall, within the 30-day deadline for termination of the license, notify or cause to be notified, by registered or certified mail, return receipt requested, the supreme court and the Hawai'i State Bar Association, as well as each of [~~his or her~~] the attorney's clients involved in pending litigation or administrative proceedings and the attorney or attorneys for each adverse party in such [~~matters~~] litigation or proceedings, and any self-represented adverse parties, of the impending termination of the license and consequent inability to act as an attorney after the effective date of the termination. The notice given to the client shall advise the client of the desirability of the prompt substitution of another attorney or attorneys in [~~his or her~~] the withdrawing attorney's place, while the notice given to opposing counsel and self-represented adverse parties shall state the place of residence of the client of the attorney whose license is terminating.

The attorney shall also make reasonable efforts to withdraw from any pending court matters prior to the expiration of the license but, in the event a client does not obtain substitute counsel before the effective date of the termination of the license, the attorney shall nevertheless withdraw.

Within 10 days after the effective date of the termination of the license, the attorney shall file with the Board an affidavit showing that [~~he or she~~] the attorney has fully complied with the duties of withdrawal set forth in this subsection (d).
