

Electronically Filed
Supreme Court
SCRU-11-0000068
15-JUL-2019
09:28 AM

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 1.10 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 1.10 of the Rules of the Supreme Court of the State of Hawai'i is amended, effective January 1, 2020, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 1. ADMISSION TO THE BAR.

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~~]the attorney's license to practice law.

(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. The Petition may include a request for permission to retain the paper license as a memento.

(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~~;~~, and, if the Petition includes a request for permission to retain the paper license as a memento, declaring that the paper license will not be misused to misrepresent the attorney's status; (ii) a ~~n affidavit~~ declaration of the Executive Director of the Hawai'i State Bar attesting to the petitioner's current status; (iii) Disciplinary Counsel's ~~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 ~~n affidavit~~ declaration of the ~~Executive Director~~ Administrator or Trustees' designee 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) A copy of t~~he~~ completed Petition and accompanying declarations shall also be served in person or by certified mail upon the Chief Disciplinary Counsel, the Executive Director of the Hawai'i State Bar Association, and the Administrator or Trustees' designee of 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) 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)~~;~~ RSCH of these Rules.

DATED: Honolulu, Hawai'i, July 15, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

