

RE: **Proposal to Amend Rule 2.20(d) of the Rules of the Supreme Court of the State of Hawai'i (RSCH)**

*RETENTION OF LEGAL DOCUMENTS OF VALUE AT THE CONCLUSION
OF A TRUSTEESHIP OVER AN ATTORNEY'S PRACTICE*

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 2.20(d) of the Rules of the Supreme Court of the State of Hawai'i, in order to establish a policy governing the retention of unclaimed client files held by the Office of Disciplinary Counsel at the conclusion of a trusteeship over an attorney's legal practice. The proposal is attached hereto.

Comments about the proposed amendments should be submitted, in writing, **no later than Tuesday, October 29, 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 TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I**
(New material is underlined)

2.20. Trustee proceedings.

(d) Disposition of unclaimed files. Following discharge of the trustee, the attorney's client files shall be stored by Counsel for a period of one (1) year. At any time thereafter, Counsel may publish a legal notice in a newspaper of general circulation announcing that the attorney's client files will be destroyed in thirty (30) days if unclaimed.

Upon expiration of the thirty (30) day period, Counsel may destroy any unclaimed files which, in the exercise of discretion, Counsel concludes do not contain original documents of value to the attorney's clients. Original documents of value recovered during this final review shall be scanned and entered into the electronic docket of the trusteeship, and the original paper documents shall be maintained by Counsel for six years from the date of the publication of the final notice, after which time Counsel may destroy any remaining unclaimed documents without returning to the supreme court for permission to do so. Original wills, in the alternative, may be deposited with the appropriate probate court, pursuant to Rule 74 of the Hawai'i Probate Rules.