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SCRU-11-0000068

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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In the Matter of the  
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I

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ORDER AMENDING RULE 2.20(d) 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 2.20(d) 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 2. DISCIPLINARY RULES.**

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**2.20. Trustee proceedings.**

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**(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 6

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.

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DATED: Honolulu, Hawai'i, November 14, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

