

RE: **Proposal to Amend Rules 1.17(d) and 2.16(b) of the Rules of the Supreme Court of the State of Hawai'i**

DUTY TO NOTIFY ALL PARTIES OF WITHDRAWAL

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rules 1.17(d) and 2.16(b) of the Rules of the Supreme Court of the State of Hawai'i, to clarify that a withdrawing attorney has a duty to notify all parties to a litigation of the withdrawal. The proposal is attached hereto.

Comments about the proposed amendment should be submitted, in writing, **no later than Monday, May 4, 2020**, 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 AMENDMENTS TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**
(Deleted materials is bracketed and stricken; New material is underlined)

Rule 1. ADMISSION TO THE BAR.

1.17. Limited admission of United States Uniformed Services

(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 the attorney's clients involved in pending litigation or administrative proceedings and the attorney or attorneys for each [adverse] party in such 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 the withdrawing attorney's place. The notice given to [opposing] other counsel [and] or self-represented [adverse] parties shall state the place of residence or other address at which the client of the withdrawing attorney can be contacted.

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 the attorney has fully complied with the duties of withdrawal set forth in this subsection (d).

Rule 2. DISCIPLINARY RULES.

2.16. Disbarred or suspended attorneys.

(b) A disbarred or suspended attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, each of the attorney's clients who is involved in pending litigation or administrative proceedings, and the attorney or attorneys for each [adverse] party and each self-represented adverse party in the pending litigation or administrative proceeding of the attorney's disbarment or suspension and consequent inability to act as an attorney after the effective date of the disbarment or suspension. The notice to be given to the client shall advise the client of the desirability of the prompt substitution of another attorney or attorneys in place of the withdrawing attorney.

In the event the client does not obtain substitute counsel before the effective date of the disbarment or suspension, it shall be the responsibility of the disbarred or suspended attorney to move in the court or agency in which the proceeding is pending for leave to withdraw.

The notice to be given to the attorney or attorneys for any ~~[adverse]~~ other party and to any other self-represented ~~[adverse]~~ party shall state the place of residence or other address at which the client of the disbarred or suspended attorney can be contacted.
