

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

ADDING DOMESTIC ABUSE AS AN EXCEPTIONAL EVENT

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 1.17(c) of the Rules of the Supreme Court of the State of Hawai'i. The proposal would add exceptions for domestic-abuse victims of military spouse-attorneys. The proposal is attached hereto.

Comments about the proposed amendment should be submitted, in writing, **no later than Monday, June 15, 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 AMENDMENT TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I**
(New material is underlined)

**1.17. Limited admission of United States Uniformed
Services spouse-attorneys.**

(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 4 years from the date of issuance;
- (2) the USUS spouse of the attorney admitted under this Rule ceases to be an active member of the Uniformed Services (either through discharge, separation, retirement, death, or disability) provided, however, that if the separation from service is due to the death or disability of the service member, or due to conviction for domestic abuse against the spouse-attorney, the deadline shall extend to 1 year following the terminating event or until the swearing-in date of the next Hawai'i bar exam for which the attorney was eligible, whichever is later;
- (3) the attorney ceases to be a dependent spouse of the USUS member, as defined by that branch of service, unless the attorney is no longer a dependent spouse due to domestic abuse or extreme psychological abuse as defined by Hawai'i Revised Statutes § 586-1, in which case the deadline shall extend to 1 year following the terminating event or until the swearing-in date of the next Hawai'i bar exam for which the attorney was eligible, whichever is later;
- (4) the effective date for any orders received by the service member posting the service member outside of this jurisdiction, unless the service member's subsequent assignment specifies that dependents are not authorized to accompany the service member, in which case the attorney may continue to practice pursuant to this Rule until the occurrence of another terminating event set forth in this Rule (c);
- (5) the attorney, independent of the spouse's orders, establishes permanent physical residency outside of this jurisdiction;
- (6) the attorney successfully completes the standard admission process for full admission to the Hawai'i Bar, pursuant to Rule 1.3 *et seq.* of these Rules;
- (7) the attorney is no longer licensed and in good standing in at least one other U.S. jurisdiction; or
- (8) the attorney resigns the provisional license, pursuant to Rule 1.10 of these Rules.

Failure to timely report any terminating event to the Board may result in the unauthorized practice of law and/or disciplinary referral.

If the exception set forth in section (c)(2) of this Rule applies to extend the license past the standard 30 days of the triggering event, the applicant must notify the Board regarding the extension and submit any supporting documentation required by the Board at its discretion.

This provisional license cannot be renewed.
