

Electronically Filed
Supreme Court
SCRU-11-0000068
05-JUN-2020
01:46 PM

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 2.6 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 2.6 of the Rules of the Supreme Court of the State of Hawai‘i is amended, effective July 1, 2020, as follows (deleted material is bracketed and stricken, new material is underscored):

RULE 2. DISCIPLINARY RULES.

2.6. Disciplinary Counsel.

(a) **Private practice not permitted.** Chief Counsel, Deputy Chief Counsel, and Assistant Counsel shall not engage in private practice, except that:

(1) ~~¶~~The Board may agree to a reasonable period of transition after appointment; and

(2) Counsel may provide *pro bono* services consistent with Rule 6.1 of the Hawai‘i Rules of Professional Conduct, subject to restrictions imposed by the Board.

(b) **Powers and duties of Chief Counsel.** Chief Counsel shall have the power and duty:

(1) To investigate all matters involving alleged misconduct called to ~~his or her~~ the Chief Counsel’s attention whether by complaint or otherwise.

(2) To dispose, subject to review by members of the Board assigned by the Chairperson, of all matters involving alleged misconduct by dismissal,

private informal admonition, referral to a minor misconduct or assistance program, or the institution of formal disciplinary proceedings before a hearing committee or officer. Except in matters requiring dismissal because the complaint is frivolous on its face or falls outside the Board's jurisdiction, no disposition shall be recommended or undertaken by Counsel until the accused attorney shall have been afforded the opportunity to state ~~[his or her]~~ a position with respect to the allegations ~~[against him or her]~~.

(3) To file with the supreme court certificates of conviction of attorneys for crimes.

(4) To prosecute all disciplinary proceedings and proceedings to determine incapacity of attorneys before hearing committees or officer, the Board and the supreme court.

(5) To appear at hearings conducted with respect to petitions for reinstatement of suspended or disbarred attorneys or attorneys transferred to inactive status because of disability, to examine witnesses and to submit evidence, if any, relevant thereto.

(6) To inform complainants and attorneys complained against of the status and disposition of their respective complaint matters.

(7) To maintain permanent records of all matters processed and the disposition thereof.

(8) To assist members of the public in preparation of requests for investigation.

(9) To perform such other duties and provide such reports as the Board shall direct.

(c) **Delegation.** Chief Counsel may delegate performance of the duties set out in sections (b)(1) through (b)(9) to Deputy Chief Counsel, Assistant Disciplinary Counsel, and staff.

DATED: Honolulu, Hawai'i, June 5, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

