

DISCIPLINARY BOARD
 OFFICE OF DISCIPLINARY COUNSEL

 RECEIVED, FILED, LODGED
DATE: AUGUST 3, 2020, TIME: 3:13 p.m.
CASE NO.: 20-8001
DKT. NO.: 002
CLERK: FH

DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT

In re: | DB No. 20-8001
DISCIPLINARY BOARD RULES

ORDER ADOPTING RULE 20(g) OF THE DISCIPLINARY BOARD'S RULES

In recognition of the potential for formal disciplinary proceedings to ultimately be public records pursuant to Rule 2.22(a) of the Rules of the Supreme Court of Hawai'i (RSCH), and consistent with Rule 11.3 of the Hawai'i Electronic File & Service Rules (HEFSR), the Disciplinary Board has resolved to apply the Hawai'i Court Record Rules (HCRR) to all formal disciplinary matters. Therefore,

IT IS HEREBY ORDERED that Rule 20 of the Disciplinary Board Rules is amended to add new subsection (g), effective July 30, 2020, as follows:

Rule 20. INITIATION OF FORMAL DISCIPLINARY PROCEEDING.

...

(g) Hawai'i Court Records Rules. All Documents submitted for filing may be subject to public disclosure in accord with RSCH Rule 2.22 and, therefore, shall comply with that rule and the Hawai'i Court Records Rules ("HCRR"). Further, to the extent not inconsistent with HCRR:

(i) Personal Information. HCRR defined account numbers and personal information shall be redacted, and need not be accompanied by the filing of unredacted copies under seal, unless otherwise ordered by the formal/reinstatement hearings officer ("F/RHO"), Board, or Court.

(ii) Information confidential by statute or rule. Information that is confidential by statute or court rule (other than RSCH 2.22) shall be filed under seal, with a "Fly Sheet" as defined by HCRR 9.3.


(iii) Request to seal. A request to seal information that is not confidential by statute or court rule shall be resolved by order of the F/RHO when the information is first proffered. Denial of a request to seal does not modify the application of RSCH 2.22. Any order granting a request to seal shall comply with the standards for sealing court records.

(iv) Duty to redact/seal. The initial proponent of the document has the duty of compliance with HCRR. Other documents, such as transcripts of hearings, shall require a joint effort by the parties, subject to the order of the F/RHO as required.

(v) Redacted substantive documents. Unless otherwise ordered by the F/RHO, within 14 days of a filing pursuant to paragraph (ii) or of an order granting a request to seal pursuant to paragraph (iii), the filing party shall file a redacted version of the document that may become publicly accessible consistent with RSCH 2.22.

(Amended December 13, 2011. Further amended July 30, 2020)

DATE: July 30, 2020



HON. CLIFFORD L. NAKEA (ret)
CHAIRPERSON
DISCIPLINARY BOARD of the
HAWAI'I SUPREME COURT