

Electronically Filed
Supreme Court
SCRU-11-0000068
10-NOV-2020
09:59 AM
Dkt. 128 ORD

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 2.14 OF THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I
(By: Recktenwald, C.J., Nakayama, McKenna, and Wilson, JJ. and
Intermediate Court of Appeals Chief Judge Ginoza,
assigned by reason of vacancy)

IT IS HEREBY ORDERED that Rule 2.14 of the Rules of
the Supreme Court of the State of Hawai'i is amended, effective
January 1, 2021, as follows:

RULE 2. DISCIPLINARY RULES

**2.14. Resignation in lieu of discipline or disbarment by
consent of attorneys under disciplinary investigation or prosecution.**

(a) An attorney who is the subject of an investigation into, or a
pending proceeding involving, allegations of grounds for ~~[his or her]~~the
attorney's discipline may resign in lieu of discipline or consent to
disbarment, but only by delivering to the Board Chairperson an affidavit
stating that ~~[he or she]~~the attorney desires to resign in lieu of discipline or
consent to disbarment and that:

(1) ~~[his or her]~~the attorney's resignation in lieu of discipline or
consent is freely and voluntarily rendered; ~~[he or she]~~the attorney is not

being subjected to coercion or duress; ~~[he or she]~~the attorney is fully aware of the implications of submitting ~~[his or her]~~the attorney's resignation or consent;

(2) ~~[he or she]~~the attorney is aware that there is a presently pending investigation into, or proceeding involving, allegations that there exist grounds for ~~[his or her]~~the attorney's discipline, the nature of which ~~[he or she]~~the attorney shall specifically set forth;

(3) ~~[he or she]~~the attorney acknowledges that the material facts so alleged are true; and

(4) ~~[he or she]~~the attorney resigns or submits ~~[his or her]~~the attorney's consent because ~~[he or she]~~the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, ~~[he or she]~~the attorney could not successfully defend ~~[himself or herself]~~themselves.

(b) Upon receipt of the required affidavit, the Board shall file with the supreme court and the supreme court shall enter an order granting the request to resign in lieu of discipline or disbaring the attorney on consent.

(c) The order granting the request to resign in lieu of discipline or disbaring the attorney on consent shall be a matter of public record. ~~[However, †]~~The affidavit required under the provisions of (a) above shall [not be made available for use] be a matter of public record but shall not be used in any other proceeding except upon order of the supreme court or as otherwise allowed by these rules.

(d) Resignation in lieu of discipline is a disbarment for all purposes under these rules, including reinstatement.

DATED: Honolulu, Hawai'i, November 10, 2020.

/s/ Mark E. Recktenwald
/s/ Paula A. Nakayama
/s/ Sabrina S. McKenna
/s/ Michael D. Wilson
/s/ Lisa M. Ginoza

