

RE:           **Proposal to Amend Rule 8.7 of the Rules of the Supreme Court of the State of Hawai'i**

*CLARIFYING SUPREME COURT AUTHORITY TO APPOINT SPECIAL COUNSEL IN  
JUDICIAL CONDUCT INVESTIGATIONS*

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 8.7 of the Rules of the Supreme Court of the State of Hawai'i. The amendments would clarify that the supreme court has the independent authority to appoint special counsel to investigate allegations of judicial misconduct after receiving a report from the Commission.

Comments about the proposed amendments should be submitted, in writing, **no later than Friday, May 14, 2021**, 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 website](#).

Attachment

**PROPOSED AMENDMENT TO THE  
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**  
(New material is underlined.)

---

**RULE 8. JUDICIAL DISCIPLINE.**

\*\*\*

**8.7. Appointment of special counsel.** Upon determining that further proceedings should be had, the Commission shall request the supreme court to appoint special counsel to further investigate the matter. The supreme court, however, may also, upon receipt of the report from the Commission pursuant to Rule 8.6 of these Rules, review the record *de novo* and, in its discretion, appoint special counsel *sua sponte*. In either case, Counsel, upon further investigation, shall either report to the Commission that a formal hearing is not necessary or shall institute formal disciplinary proceedings as provided in Rule 8.9 of these Rules. The Office of Disciplinary Counsel may be appointed as special counsel, subject to the approval of the Chairperson of the Disciplinary Board.

\*\*\*