

RE: **Proposal for a New Rule 4.5 of the Hawai'i Rules of Professional Conduct, to Address Sexual Harassment in the Legal Community**

SEXUAL HARASSMENT AND THE PRACTICE OF LAW

Comments about a proposed new Rule 4.5 of the Hawai'i Rules of Professional Conduct should be submitted, in writing, **no later than Friday, September 3, 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 NEW RULE TO THE
HAWAI'I RULES OF PROFESSIONAL CONDUCT**

Rule 4.5. SEXUAL HARASSMENT.

In a professional capacity, a lawyer shall not engage in sexual harassment.

“Professional capacity” under this Rule means acts, including communications, occurring in

- (1) the course of a client representation;
- (2) interactions with coworkers, court personnel, jurors, and witnesses;
- (3) the operation or management of a law firm, law practice, or organization with which the lawyer is employed, including acts at events sponsored by the law firm, law practice, or organization; and/or
- (4) bar association, bar organization, or legal education conferences or events.

“Sexual harassment” under this Rule means unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical harassment of a sexual nature which the attorney reasonably should know are offensive.

COMMENTS:

[1] Sexual harassment under this Rule does not include simple teasing, offhand comments, or isolated incidents.