

Electronically Filed
Supreme Court
SCRU-11-0001047
04-JAN-2022
01:45 PM
Dkt. 27 ORD

SCRU-11-0001047

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
HAWAI‘I RULES OF PROFESSIONAL CONDUCT

ORDER AMENDING THE HAWAI‘I RULES OF PROFESSIONAL CONDUCT
(By: Reckentwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

IT IS HEREBY ORDERED that Rule 7.1 of the Hawai‘i Rules of Professional Conduct is amended, effective July 1, 2022, by adding new Comment [5] to the Rule, as follows (new material is underscored) :

Rule 7.1. COMMUNICATIONS CONCERNING A LAWYER'S SERVICES.

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

- (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
- (b) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law; or
- (c) compares the lawyer's services with other lawyer's services, unless the comparison can be factually substantiated.

COMMENTS:

[5] If a lawyer refers to oneself as a former or retired government official (e.g., judge, justice,

governor, senator, attorney general, prosecutor, public defender, etc.), to avoid creating any unjustified expectation about the results the lawyer can achieve, any communication, whether by words or image, should clearly indicate that the lawyer no longer serves in that role and is a former or retired official. Use of historical documents, articles or video footage of actual events, or re-creations thereof, should clearly state the historical context. Additionally, if the lawyer was removed from that prior office due to misconduct, any direct or indirect reference to the prior office in the communication should clearly disclose the removal due to the misconduct.

DATED: Honolulu, Hawai'i, January 4, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

