

RE: **Proposal to Amend Rule 2.1 of the Rules of the Supreme Court of the State of Hawai‘i and Rule 8.5 of the Hawai‘i Rules of Professional Conduct**

**EXTENDING DISCIPLINARY JURISDICTION TO NON-HAWAI‘I LAWYERS  
RENDERING LEGAL SERVICES IN THIS JURISDICTION**

The Supreme Court of Hawai‘i seeks public comment regarding a proposal to amend Rule 2.1 of the Rules of the Supreme Court of the State of Hawai‘i and Rule 8.5 of the Hawai‘i Rules of Professional Conduct (HRPC), and to add a new Comment [5] to HRPC Rule 8.5, in order to extend the disciplinary jurisdiction of the supreme court and the Disciplinary Board of the Hawai‘i Supreme Court to lawyers not licensed here but licensed in another U.S. jurisdiction who practice law or render – or offer to render – any legal services in this jurisdiction.

Comments about the proposed amendments may be submitted, in writing, **no later than Tuesday, May 31, 2022**, 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**  
(Deleted material is bracketed and stricken; new material is underlined)

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**Rule 2. DISCIPLINARY RULES.**

**2.1. Jurisdiction.**

Any attorney admitted, specialy admitted, or granted limited admission, under any provision of Rule 1.1, et seq. of these Rules, to practice law in this state, and any attorney licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia, but not admitted in this state, who practices law or renders or offers to render any legal services in this state [~~specialy admitted by a court of this state for a particular proceeding, and any attorney specialy admitted appear in an arbitration proceeding under Rule 1.9A of these Rules~~] is subject to the ~~exclusive~~ disciplinary jurisdiction of the supreme court and the Board hereinafter established.

Nothing herein contained shall be construed to deny to any court such powers as are necessary for that court to maintain control over proceedings conducted before it, such as the power of contempt, nor to prohibit any bar association from censuring a member or suspending or expelling a member from membership in the association. Further, nothing herein contained shall be construed to deny to any arbitrator or arbitration panel such powers as the arbitrator or arbitration panel may have that are necessary to maintain control over a particular arbitration proceeding.

**PROPOSED AMENDMENTS TO THE  
HAWAI‘I RULES OF PROFESSIONAL CONDUCT**  
(Deleted material is bracketed and stricken; new material is underlined)

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**Rule 8.5. DISCIPLINARY AUTHORITY; CHOICE OF  
LAW.**

(a) **Disciplinary Authority.** A lawyer admitted, speciall  
admitted, or granted limited admission to practice in the State of Hawai‘i  
is subject to the disciplinary authority of the Hawai‘i Supreme Court and  
the [~~Hawai‘i~~] Disciplinary Board of the Hawai‘i Supreme Court (“the  
Board”), regardless of where the conduct occurs. A lawyer not admitted,  
speciall  
admitted, or granted limited admission to practice law in the  
State of Hawai‘i ~~but otherwise authorized to practice in the State~~ is also  
subject to the disciplinary authority of the Hawai‘i Supreme Court and  
the Board if the lawyer provides or offers to provide any legal services in  
the State of Hawai‘i. A lawyer may be subject to the disciplinary  
authority of both the State of Hawai‘i and another jurisdiction for the  
same conduct.

**COMMENTS:**

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[5] The purpose of this Rule is to establish that the  
Hawai‘i Supreme Court and the Disciplinary Board of the  
Hawai‘i Supreme Court (“the Board”) have disciplinary  
jurisdiction over any attorney who engages in the practice  
of law within the state with respect to enforcement of its  
rules governing acts and omissions that may constitute  
grounds for discipline. Under this Rule, an attorney who is  
not licensed to practice in this state but engages in the  
practice of law in the state, and commits acts or omissions  
that may constitute grounds for discipline, is subject to the  
disciplinary jurisdiction of the Hawai‘i Supreme Court and  
the Board. Extension of the disciplinary authority of this  
jurisdiction to other lawyers who provide or offer to  
provide legal services in the State of Hawai‘i is for the  
protection of the public. Reciprocal enforcement of a  
jurisdiction's disciplinary findings and sanctions will  
further advance the purposes of this Rule.