

RE: Proposal for a New Rule 7 of the Rules of the Supreme Court of the State of Hawai'i

AMENDING THE LAW-STUDENT INTERN PRACTICE PROGRAM

The Supreme Court of Hawai'i seeks public comment regarding a proposal to promulgate a wholly new Rule 7 of the Rules of the Supreme Court of the State of Hawai'i in order to reform and amend the process by which the law-student intern practice program is structured and administered.

Comments about the proposed amendments should be submitted, in writing, **no later than Thursday, January 19, 2023**, 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's website](#).

Attachment

**PROPOSED AMENDMENTS TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**
(NEW VERSION OF RULE)

Rule 7. SUPERVISED LAW-STUDENT INTERN PRACTICE OF LAW.

7.1. Purpose. This Rule sets forth conditions under which a law-student intern may engage in the practice of law. These conditions balance 3 considerations:

- (1) protecting the consumer of legal services,
- (2) expanding access to justice by allowing qualified and duly-supervised law-student interns to provide legal services, and
- (3) developing legal skills, professional judgment, and ethical behavior in law-student interns through supervised legal services.

7.2. Definitions.

(a) A “law-student intern” is an individual enrolled and certified to be in good standing as a J.D. candidate at a law school fully or provisionally accredited by the American Bar Association (ABA) who has successfully completed legal studies amounting to one-third of the course work required for graduation from that law school.

(b) A “supervising lawyer” is a member in good standing of the Hawai‘i bar who assumes the duties of supervising a law-student intern under this Rule and who is ultimately responsible for the activities of the law-student intern.

(c) A “clinical program” is a practice-focused law course administered under the direction of a faculty member of a fully or provisionally ABA-accredited law school, in which satisfactory completion entitles a qualified law student to receive academic credit. This may include a law school’s clinic courses, as well as its externship or field-placement program.

(d) A “law practicum” is an experienced-based law-practice program that is not a clinical program. It is designed and implemented by a supervising lawyer to enable a law-student intern to provide competent, ethically sound legal services, especially to financially or socially disadvantaged individuals in this state.

7.3. Qualification procedures for law-student interns.

For a law-student intern engaged in a clinical program or a law practicum, as defined in this Rule, the following must occur before law-student intern practice is authorized: the supervising attorney must inform the client that the law-student intern is performing supervised work for the client and obtain the client’s signed, written consent to the law-student intern’s supervised work.

7.4. Appearances by law-student interns.

(a) A law-student intern may appear in any court or administrative tribunal in this state on behalf of a client, provided that the client’s written consent appears in or on the record of the court or administrative tribunal before the law-student intern’s first appearance in a matter.

Where the client is a government office or agency, or a state or local political subdivision, the supervising lawyer's approval is sufficient.

(b) Unless prohibited by statute or ordinance, a law-student intern may also appear in any matter on behalf of the United States, the State of Hawai'i, or any state political subdivision, subject to the requirements of subsection (a) of this section.

7.5. Permissible law-student intern activities.

Any law-student intern with the knowledge and approval of a supervising lawyer and the client may also engage in the following activities:

(1) Counsel and advise clients, interview and investigate witnesses, negotiate the settlement of claims, as well as prepare and draft legal instruments, pleadings, briefs, abstracts and other documents. Any document requiring signature of counsel, and any settlement or compromise of a claim, however, must be signed by a supervising lawyer; and

(2) Render assistance to clients who are inmates of penal institutions or other clients who request such assistance in preparing applications and supporting documents for post-conviction legal remedies.

7.6. Duration of law-student intern authorization and compensation limitations.

(a) The law-student intern may continue to serve so long as the law-student intern is enrolled in a clinical program at the University of Hawai'i School of Law or is participating in a law practicum as defined by Rule 7.2 of these Rules; authorization to serve shall cease upon any removal of good standing of the supervising attorney or law-student intern or the termination of such enrollment or participation. After graduation, the law-student intern may continue to represent a client in cases initiated before graduation if such representation is deemed appropriate by the supervising lawyer.

(b) A law-student intern shall neither ask for nor receive any compensation or remuneration of any kind for services rendered to a client, but this shall not prevent a supervising lawyer, a law school, or public agency from paying compensation to a law-student intern or from making such charges for services as such lawyer, law school or public agency may otherwise properly require.

7.7. Supervision of law-student intern practice.

The supervising lawyer shall counsel and assist the law-student intern who practices law pursuant to this Rule, and shall provide professional guidance in every phase of such practice with special attention to matters of professional responsibility and legal ethics.

7.8. Miscellaneous.

(a) Law-student interns practicing pursuant to this Rule shall be governed by the rules of conduct applicable to lawyers generally, but the termination of practice referred to in Rule 7.6 shall be the exclusive sanction for disciplinary infractions which occur during authorized practice; except that such disciplinary

infractions may be considered by a court or agency authorized to entertain applications for admission to the practice of law.

(b) Nothing contained in this Rule shall affect the right of any person to do anything that person might lawfully do were this Rule not in existence.

(c) Immunity. Except for use by an attorney-admission or disciplinary authority or judicial-selection authority of any jurisdiction in which the applicant is admitted to practice or seeks to practice, applications and other information submitted to this court shall be absolutely privileged and no lawsuit predicated thereon may be instituted. Members of this court and the staff performing duties and functions under this Rule shall be immune from suit and liability for any conduct in the course of their official duties.