

Re: PROPOSAL TO AMEND THE RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I, THE REVISED CODE OF JUDICIAL CONDUCT, AND THE FINANCIAL DISCLOSURE STATEMENT FORM (JUD 101)

*ADMINISTRATOR TO THE COMMISSION ON JUDICIAL CONDUCT
and JUSTICES & JUDGES ANNUAL PUBLIC DISCLOSURE*

The Supreme Court of Hawai'i seeks public comment regarding proposed amendments to the Rules of the Supreme Court of the State of Hawai'i (RSCH), Rules 8.2, 8.3, 8.6, 8.7, 15, the Hawai'i Revised Code of Judicial Code (RCJC), Rules 3.13, 3.14, 3.15, and the RSCH Financial Disclosure Statement Form (JUD 101).

The amendments to RSCH 8 create an administrator position that would serve as the attorney to the Commission on Judicial Conduct. The amendments to RSCH 15 and the RCJC would require justices and judges to make an annual public disclosure of the sources and amounts of reimbursements of expenses or waivers of fees or charges received by the justice or judge, their spouse, domestic partner or guest, that exceed \$200.00 from a single source, based on their participation in extrajudicial activities permitted by the RCJC.

The Ramseyer version of the proposed rule amendments are attached. For the rule amendments, the proposed language to be added is underscored, and the language to be deleted is bracketed and stricken as illustrated in this [example].

Comments should be submitted in writing **no later than January 28, 2025** to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 808-539-4801, by e-mail to pao@courts.hawaii.gov, or via the [Judiciary website](#).

Attachment.

**PROPOSED AMENDMENTS TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI‘I**

[The proposed additional language is underscored; deleted language is bracketed and stricken.]

Rule 8. JUDICIAL DISCIPLINE.

8.2. Jurisdiction and Powers of Commission.

(a) Powers in General. The Commission shall have the power to:

- (1) receive information, allegations, and complaints;
- (2) make preliminary evaluations;
- (3) screen complaints;
- (4) conduct investigations;
- (5) conduct hearings;
- (6) recommend dispositions to the supreme court concerning allegations of judicial misconduct or physical or mental disability of judges; ~~and~~
- (7) issue advisory opinions~~[-];~~ and
- (8) utilize an administrator.

(b) Persons Subject to Discipline. The conduct of any justice or judge, full-time or part-time, shall be subject to the jurisdiction of the Commission, regardless of the justice's or judge's status at the time the conduct is reported to the Commission, including, but not limited to, having resigned or retired from office and provided the conduct is reported to the Commission no later than ninety (90) days after the judge leaves office.

(c) Jurisdiction of Commission.

(1) Notwithstanding any provisions of Rule 2.1 of the Rules of the Supreme Court, only this Commission shall have the authority to exercise powers specified in Rule 8.2 with respect to conduct, whether or not related to mental or physical competence, of any sitting full-time or part-time justice or judge occurring during the time of, and prior to, ~~his or her~~ their tenure on the bench except as otherwise provided in this subsection (c).

(2) Notwithstanding any provisions to the contrary contained herein regarding the jurisdiction of the Commission:

(i) The Disciplinary Board of the Hawai'i Supreme Court may conclude any formal disciplinary proceedings as to said conduct which occurred prior to the judicial tenure of any full-time or part-time justice or judge, and any petition to the supreme court to determine whether any justice or judge is incapacitated from continuing the practice of law by reason of physical infirmity or illness or because of the use of drugs or intoxicants, if such formal disciplinary proceedings were initiated or such petition was filed prior to the judicial tenure of the justice or judge.

(ii) If a sitting part-time district judge is practicing law as an attorney, the Disciplinary Board of the Hawai'i Supreme Court shall have jurisdiction of such judge with respect to said conduct as an attorney and to petition the supreme court to determine whether such judge is incapacitated from continuing the practice of law by reason of physical infirmity or illness or because of the use of drugs or intoxicants and shall exercise the authority and powers prescribed under Rule 2 of the Rules of the Supreme Court.

(iii) The Disciplinary Board shall transmit its findings of fact, conclusions of law, disciplinary action or recommendations, and the entire

record, in formal disciplinary proceedings under (i) and (ii) above to the Commission and if it is satisfied, and if it wishes to take action, the Commission may apply the same findings to support its recommendation for disciplinary action against a justice or judge involved in the said proceedings subject, however, to subsection (4) of this subsection (c).

(3) The resignation or retirement of any full-time or part-time justice or judge before or after the Commission or the Disciplinary Board, or both, have commenced an investigation or a proceeding, and before final action by the supreme court upon any recommendation, shall not deprive the Commission, the Disciplinary Board or the supreme court of jurisdiction.

(4) The Commission shall treat the findings of the Disciplinary Board made as a result of proceedings within (2)(i) or (2)(ii) above, as a new complaint which shall be reviewed in accordance with Rule 8.6, subsections (b) through (i), and if the Commission determines that further proceedings should be had, the Commission shall proceed with the complaint in accordance with Rule 8.7, and with any other applicable provisions of Rule 8.

(d) Administrator. There shall be an administrator to the Commission, whose duties and responsibilities shall be subject to the Commission's direction and supervision.

(1) The administrator shall be an attorney who is licensed to practice law in the State of Hawai'i, and who shall serve as attorney to the Commission. The administrator shall not be a person who is a sitting justice or judge, including part-time judge.

(2) The supreme court shall appoint the administrator. The appointment and removal of the administrator shall require the concurrence of the majority of the supreme court.

(3) The administrator shall not engage in the private practice of law; provided, the administrator may provide pro bono services consistent with Rule 6.1 of the Hawai'i Rules of Professional Conduct, subject to restrictions imposed by the Commission.

~~(d)~~(e) Subpoena and Discovery.

(1) In matters before the Commission the chairperson or, if appointed pursuant to Rule 8.7 of this Rule, special counsel in matters under investigation by special counsel, may administer oaths and affirmations, compel by subpoena the attendance and testimony of witnesses, including the judge as witness, and to provide for the inspection of documents, books, accounts, and other records.

A respondent judge may compel by subpoena the attendance of witnesses and the production of documents, books, accounts, and other records after formal disciplinary proceedings are initiated.

Writs of subpoena shall be issued in blank by the clerk of the supreme court upon application by any member of the Commission, special counsel or the respondent, subject to the demonstration of good cause required by Rule 8.2~~(d)~~(e)(3) of this Rule.

(2) The power to enforce process may be delegated by the supreme court to any other court.

(3) There shall be no discovery proceedings except upon the order of the Commission chairperson for good cause shown.

~~(e)~~(f) Rules of Procedure and Forms. The Commission shall have the authority to submit rules of procedure for the approval of the supreme court, and to develop appropriate forms for its proceedings.

8.3. Immunity.

Members of the Commission, the administrator or other staff providing assistance to the Commission, and special counsel appointed by the supreme court shall be absolutely immune from suit for all conduct in the course of their official duties.

8.6. Complaint Procedure.

(a) Initiation of Procedure.

(1) An inquiry relating to conduct of a judge may be initiated upon any reasonable basis, including written complaints made by judges, lawyers, court personnel, or members of the general public.

(2) The Commission may on its own motion make inquiry with respect to whether a judge is guilty of misconduct in office or is physically or mentally disabled.

(3) Upon request of the chief justice of the supreme court, the Commission shall make an investigation under this rule of the conduct or physical or mental condition of a judge.

(b) **Privilege.** A qualified privilege shall attach to a complaint submitted to the Commission or testimony related to the complaint, and any civil action predicated on such complaint initiated against any complainant or witness, or their counsel, shall be subject to said qualified privilege.

(c) **Discretionary Notice.** Notice that a complaint has been made may be given to the judge named in the complaint.

(d) **Screening of Complaints.** Upon receipt of a complaint, the Commission shall determine whether such complaint warrants investigation and evaluation. Complaints determined to be frivolous, unfounded or outside the jurisdiction of the Commission shall not be investigated.

(e) **Mandatory Notice.** After the determination that a complaint warrants investigation and evaluation, notice that a complaint has been made shall be given to the judge.

(f) **Preliminary Investigation and Evaluation.** Upon receipt of a complaint, report, or other information as to conduct that might constitute grounds for discipline, the Commission shall conduct a prompt, discreet, and confidential investigation and evaluation. The Commission may delegate one of its members, or the administrator, to conduct such investigation and evaluation.

(g) **Determination.** After conclusion of the investigation and evaluation, the Commission shall determine:

(1) That there is insufficient cause to proceed against the judge; or

(2) That there is sufficient information to make a disciplinary recommendation to the supreme court; or

(3) That further proceedings regarding the complaint are necessary.

(h) Insufficient Cause to Proceed.

(1) Upon determination that there is insufficient cause to proceed, the file shall be closed. If previously notified of a complaint, a judge shall be notified that the file has been closed.

(2) A closed file may be referred to by the Commission in subsequent proceedings.

(3) If the inquiry was initiated as a result of notoriety or because of conduct that is a matter of public record, information concerning the lack of cause to proceed may be released by the Commission.

(i) **Dispositions in Lieu of Further Proceedings.** Even though the Commission does not find that further proceedings are necessary, it may recommend to the supreme court that the court:

- (1) Issue a private reprimand; or
- (2) Inform or admonish the judge that [~~his or her~~]their conduct is or may be cause for discipline; or
- (3) Direct professional counseling or assistance for the judge; or
- (4) Impose conditions on the judge's conduct.

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 initiate formal disciplinary proceedings as provided in Rule 8.9 of these Rules. The administrator may be appointed as special counsel. The Office of Disciplinary Counsel may be appointed as special counsel, subject to the approval of the chairperson of the Disciplinary Board.

**PROPOSED AMENDMENTS TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**

[The proposed additional language is underscored; deleted language is bracketed and stricken.]

Rule 15. Judicial Financial Disclosure.

(a) Filing of annual financial disclosure statement. Every judge shall file in the supreme court clerk's office an annual financial disclosure statement on a form approved by the supreme court. The form may be completed and submitted electronically. This requirement applies to all full time and per diem judges, including justices of the supreme court, but does not apply to retired judges or justices called back for temporary service pursuant to Article VI, Section 2 of the State Constitution.

(b) Time for filing. The financial disclosure statement shall be filed on or before April 30 and shall cover the preceding calendar year or that portion of the year during which the judge held office.

(1) **EXTENSIONS OF TIME.** A judge may apply to the chief clerk of the supreme court for an extension of time to file the financial disclosure statement. An application for extension shall be submitted prior to the deadline for filing the statement. Upon receipt of the request, the clerk shall grant one extension of time to May 30. The clerk shall note on the record that the extension was granted.

(2) **MONITORING BY CHIEF CLERK.** The chief clerk of the supreme court shall make reasonable efforts to monitor the filing of statements under this rule. If a judge has defaulted, filed a late statement, or filed an obviously incomplete statement, the clerk shall promptly notify the judge in writing and shall transmit a copy of the notice to the Commission on Judicial Conduct. The failure of the clerk to give such notice shall not excuse a judge's failure to comply with this rule.

(c) Imposition of discipline for untimely or incomplete statements. A judge who fails to file a timely statement, or who files an incomplete statement, may be subject to discipline pursuant to the procedures set out in Rule 8 of the rules of this court. If ~~however~~ the Commission on Judicial Conduct determines that any default or deficiency was inadvertent or in good faith and that the default or deficiency was promptly corrected by the judge after being called to the judge's attention, the Commission, pursuant to Rule 8.6(g)(1), may decline to proceed against the judge.

(d) Matters to be disclosed. The statement shall include disclosure of the financial interests of the judge and the judge's spouse or domestic partner and any dependent children. Disclosure shall be made of the following types of interests:

(1) The source and amount of all income of \$1,000 or more received, for services rendered, by the judge, the judge's spouse or domestic partner, or the judge's dependent children or by any other person for use or benefit of the judge, the judge's spouse or domestic partner, or the judge's dependent children during the preceding calendar year and the nature of the services rendered; provided that information that may be privileged by law or individual items of compensation that constitute a portion of the gross income of the business or profession from which the person derives income need not be disclosed.

(2) The amount and identity of every ownership or beneficial interest held during the disclosure period in any business incorporated, regulated, or licensed to carry on business in the State that has a value of \$5,000 or more or that is equal to 10 percent of the ownership of the business and, if the interest was transferred during the disclosure period, the date of the transfer; provided that an interest in the form of an account in a federal or state regulated financial institution, an interest in the form of a policy in a mutual insurance company, or individual items in a mutual fund or a blind trust, if the mutual fund or blind trust has been disclosed pursuant to this paragraph, need not be disclosed. For purposes of this rule, judges do not need to disclose interests held in the Employees' Retirement System of the State of Hawai'i or other government pension plans.

(3) Every officership, directorship, trusteeship, or other fiduciary relationship held in a business, including a nonprofit entity, during the disclosure period, the term of office and the annual compensation.

(4) The name of each creditor to whom the value of \$3,000 or more was owed during the disclosure period, the original amount owed, and the amount outstanding; provided that credit card debt need not be disclosed unless the balance owed exceeded \$10,000 for 6 months or longer during the reporting period.

(5) The postal zip code for the location and the value of any real property in the State in which the person holds an interest valued at \$10,000 or more, and, if the interest was transferred or obtained during the disclosure period, a statement of the amount and nature of the consideration received or paid in exchange for such interest, and the name of the person furnishing or receiving the consideration.

(6) The amount and identity of every creditor interest in an insolvent business held during the disclosure period having a value of \$5,000 or more.

(7) Gifts ~~[not excluded by Rule 3.13(e)]~~ and reimbursements to the judge that must be reported under Rule 3.15(a)(2)-(3) of the Hawai'i Revised Code of Judicial Conduct.

(8) Full-time judges' hours of approved judicial education.

(e) **Disclosure of amounts by range; number of stock shares.** Where an amount is required to be disclosed, the person disclosing may indicate whether the amount is at least \$1,000 but less than \$10,000; at least \$10,000 but less than \$25,000; at least \$25,000 but less than \$50,000; at least \$50,000 but less than \$100,000; at least \$100,000 but less than \$150,000; at least \$150,000 but less than \$250,000; at least \$250,000 but less than \$500,000; at least \$500,000 but less than \$750,000; at least \$750,000 but less than \$1,000,000; or \$1,000,000 or more. An amount of stock may be reported by number of shares.

(f) **Short form statement.** A short form financial disclosure statement approved by the supreme court may be used in odd-numbered years where there are no more than 10 amendments or changes in the information reported for the preceding disclosure period.

(g) **Statements open to public inspection.** Financial disclosure statements filed pursuant to this rule shall be available for public inspection in the supreme court clerk's office during normal business hours. Each judge's most recent long form statement and subsequent short form statement, if any, shall be accessible through the Judiciary's public web site. The Clerk shall redact from each disclosure statement account numbers and personal information, if provided, that could be used to steal identity, stalk, or put the judge or the judge's

family members in danger, including residential addresses and telephone numbers, and the business address of a spouse or domestic partner, or children.

(h) Filing of statement not to limit ethical responsibilities of a judge.

The filing of a financial disclosure statement pursuant to this rule shall not limit any ethical responsibilities of a judge with respect to financial activities and judicial disqualification. This rule shall not be construed as limiting the ethical or legal responsibilities of a judge as set out in the Hawai'i Revised Code of Judicial Conduct, case law, statutes or any other rule of court.

**PROPOSED AMENDMENTS TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII
EXHIBIT B
HAWAII REVISED CODE OF JUDICIAL CONDUCT**

[The proposed additional language is underscored; deleted language is bracketed and stricken.]

**Rule 3.13. Acceptance and Reporting of Gifts, Loans,
Bequests, Benefits, or Other Things of Value**

(a) A judge shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law* or would appear to a reasonable person to materially impair the judge's independence,* integrity,* impartiality,* temperament, or fitness to fulfill the duties of judicial office.

CODE COMPARISON

*The Hawai'i Revised Code of Judicial Conduct
modifies ABA Model Code Rule 3.13 by (1)
substituting "materially impair" for
"undermine" and (2) adding "temperament, or
fitness to fulfill the duties of judicial office."*

(b) Unless otherwise prohibited by law* or by Rule 3.13(a), a judge may accept the following without publicly reporting such acceptance:

- (1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;
- (2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending* or impending* before the judge would in any event require disqualification or recusal of the judge under Rule 2.11;
- (3) ordinary social hospitality;
- (4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;
- (5) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;
- (6) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;
- (7) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use;
- (8) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner,* or other family member of a judge residing in the judge's household,* but that incidentally benefit the judge;
- (9) gifts incident to a public testimonial; or

(10) invitations to the judge and the judge's spouse, domestic partner,* or guest to attend without charge:

(A) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or

(B) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge.

CODE COMPARISON

The Hawai'i Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.13(B) by adding paragraphs (9) and (10) from ABA Model Code Rule 3.13(C).

(c) Unless otherwise prohibited by law* or by Rule 3.13(a), a judge may accept the following items and must report such acceptance to the extent required by Rule 3.15:

(1) gifts, loans, bequests, benefits, or other things of value, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge; and

(2) gifts, loans, bequests, benefits, [~~favours, loans,~~] or other things [~~types~~] of value exceeding \$200.00, if the donor is not a party or other person who has come or is likely to come or whose interests have come or are likely to come before the judge.

CODE COMPARISON

The Hawai'i Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.13(C) by recategorizing public testimonial gifts and event invitations as nonreportable gifts under Rule 3.13(b) and adding paragraph (2).

COMMENT:

[1] *Whenever a judge accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as intended to influence the judge's decision in a case. Rule 3.13 imposes restrictions upon the acceptance of such benefits, according to the magnitude of the risk. Rule 3.13(b) identifies circumstances in which the risk that the acceptance would appear to materially impair the judge's independence, integrity, impartiality, temperament, or fitness to fulfill the duties of judicial office is low and explicitly provides that such items need not be publicly reported. As the value of the benefit or the likelihood that the source of the benefit will appear before the judge increases, the judge is either prohibited under Rule 3.13(a) from accepting the gift or required under Rule 3.13(c) to publicly report it.*

[2] *Gift-giving between friends and relatives is a common occurrence and ordinarily does not create an*

appearance of impropriety or cause reasonable persons to believe that the judge's independence, integrity, impartiality, temperament, or fitness to fulfill the duties of judicial office has been compromised. In addition, when the appearance of friends or relatives in a case would require the judge's disqualification or recusal under Rule 2.11, there would be no opportunity for a gift to influence the judge's decision making. Rule 3.13(b)(2) places no restrictions upon the ability of a judge to accept gifts or other things of value from friends or relatives under these circumstances and does not require public reporting.

[3] Businesses and financial institutions frequently make available special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judge may freely accept such benefits if they are available to the general public, or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a certain period of time or only to borrowers with specified qualifications that the judge also possesses.

[4] Rule 3.13 applies only to acceptance of gifts or other things of value by a judge. Nonetheless, if a gift or other benefit is given to the judge's spouse, domestic partner, or member of the judge's family residing in the judge's household, it may be viewed as an attempt to evade Rule 3.13 and influence the judge indirectly. Where the gift or benefit is being made primarily to such other persons, and the judge is merely an incidental beneficiary, this concern is reduced. A judge should, however, remind family and household members of the restrictions imposed upon judges and urge them to take these restrictions into account when making decisions about accepting such gifts or benefits.

[5] RESERVED.

**Rule 3.14. REIMBURSEMENT OF EXPENSES AND
WAIVERS OF FEES OR CHARGES**

(a) Unless otherwise prohibited by Rules 3.1 and 3.13(a) or other law,* a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items from sources other than the judge's employing

entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.

(b) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge and, when appropriate to the occasion, by the judge's spouse, domestic partner,* or guest.

(c) [RESERVED.] A judge who accepts reimbursement of expenses or waivers or partial waivers of fees or charges on behalf of the judge or the judge's spouse, domestic partner, or guest shall publicly report such acceptance as required by Rule 3.15.

COMMENT:

[1] Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events. Judges are encouraged to attend educational programs, as both teachers and participants, in law-related and academic disciplines in furtherance of their duty to remain competent in the law. Participation in a variety of other extrajudicial activity is also permitted and encouraged by this Code.

[2] Not infrequently, sponsoring organizations invite certain judges to attend seminars or other events on a fee-waived or partial-fee-waived basis and sometimes include reimbursement for necessary travel, food, lodging, or other incidental expenses. A judge's decision whether to accept reimbursement of expenses or a waiver or partial waiver of fees or charges in connection with these or other extrajudicial activities must be based upon an assessment of all the circumstances. The judge must undertake a reasonable inquiry to obtain the information necessary to make an informed judgment about whether acceptance would be consistent with the requirements of this Code.

[3] A judge must assure [~~himself or herself~~] that acceptance of reimbursement or fee waivers would not appear to a reasonable person to materially impair the judge's independence, integrity, impartiality, temperament, or fitness to fulfill the duties of judicial office. The factors that a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include:

(a) whether the sponsor is an accredited educational institution or bar association rather than a trade association or a for-profit entity;

(b) whether the funding comes largely from numerous contributors rather than from a single entity and is earmarked for programs with specific content;

(c) whether the content is related or unrelated to the subject matter of litigation pending or impending before the judge, or to matters that are likely to come before the judge;

(d) whether the activity is primarily educational rather than recreational, and whether the costs of the event are

reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;

(e) whether information concerning the activity and its funding sources is available upon inquiry;

(f) whether the sponsor or source of funding is generally associated with particular parties or interests currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification or recusal of the judge under Rule 2.11;

(g) whether differing viewpoints are presented; and

(h) whether a broad range of judicial and nonjudicial participants are invited, whether a large number of participants are invited, and whether the program is designed specifically for judges.

Rule 3.15. REPORTING REQUIREMENTS

(a) A judge shall publicly report the amount or value of:

(1) compensation of \$1000 or more received for extrajudicial activities as permitted by Rule 3.12; and

(2) gifts and other things of value as permitted by Rule 3.13(c).

(3) ~~[RESERVED.]~~ reimbursement of expenses and waiver of fees or charges permitted by Rule 3.14(a), unless the amount of reimbursement or waiver, alone or in the aggregate with other reimbursements or waivers received from the same source in the same calendar year, does not exceed \$200.00.

(b) When public reporting is required by Rule 3.15(a), a judge shall report the date, place, and nature of the activity for which the judge received any compensation and the description of any gift, loan, bequest, benefit, or other thing of value accepted; and the source of reimbursement of expenses or waiver or partial waiver of fees or charges.

(c) The public report required by Rule 3.15(a) shall be made annually.

(d) Reports made in compliance with this Rule shall be filed as public documents in the supreme court clerk's office.

CODE COMPARISON

The Hawai'i Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.15 by harmonizing its provisions with the Hawai'i financial disclosure rule.

**PROPOSED AMENDMENTS TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**

FINANCIAL DISCLOSURE STATEMENT FORM (JUD 101)

*[The proposed additional language is bolded and **underscored**;
deleted language is bracketed and stricken]*

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
PROPOSED AMENDED FORM FOLLOWS]*

ITEM 4 RSCH 15(d)(1)	ANY OTHER INCOME, FOR SERVICES RENDERED, IN EXCESS OF \$1,000 - INCOME DISCLOSED IN ITEMS 1 - 3 NEED NOT BE REPEATED HERE
-------------------------	---

SOURCE	NATURE OF SERVICES RENDERED	AMOUNT

___ Check here if entry is None

___ Check here if you have attached additional sheets

ITEM 5 RSCH 15(d)(2)	EACH OWNERSHIP OR BENEFICIAL INTEREST, HELD IN ANY BUSINESS CARRYING ON BUSINESS IN THE STATE, HAVING A VALUE OF \$5,000 OR MORE OR EQUAL TO 10% OF THE OWNERSHIP OF THE BUSINESS.
-------------------------	--

NAME OF BUSINESS	NATURE OF BUSINESS	NATURE OF INTEREST	ENTER AMOUNT OR NO. OF SHARES

___ Check here if entry is None

___ Check here if you have attached additional sheets

ITEM 6 RSCH 15(d)(2)	OWNERSHIP OR BENEFICIAL INTEREST UNDER ITEM 5 TRANSFERRED DURING THIS DISCLOSURE PERIOD.
-------------------------	--

NAME OF BUSINESS	DATE OF TRANSFER	VALUE OF TRANSFER

___ Check here if entry is None

___ Check here if you have attached additional sheets

ITEM 7 RSCH 15(d)(3)	LIST EACH OFFICERSHIP, DIRECTORSHIP, TRUSTEESHIP OR OTHER FIDUCIARY RELATIONSHIP HELD IN ANY BUSINESS, <u>INCLUDING A NON-PROFIT ENTITY.</u>
-------------------------	---

NAME OF BUSINESS	TITLE AND TERM OF OFFICE	COMPENSATION (enter amount or NONE)

___ Check here if entry is None

___ Check here if you have attached additional sheets

ITEM 8 RSCH 15(d)(4)	LIST CREDITORS, OTHER THAN CREDIT CARD ACCOUNTS, TO WHOM MORE THAN \$3,000 WAS OWED DURING THE DISCLOSURE PERIOD. LIST CREDIT CARD DEBT THAT EXCEEDED \$10,000 FOR SIX MONTHS OR MORE.		
	ORIGINAL AMOUNT OWED	AMOUNT OWED AT END OF YEAR	
<input type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if you have attached additional sheets			
ITEM 9 RSCH 15(d)(5)	REAL PROPERTY IN THE STATE IN WHICH IS HELD AN INTEREST WITH A FAIR MARKET VALUE OF \$10,000 OR MORE.		
	VALUE		
<input type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if you have attached additional sheets			
ITEM 10 RSCH 15(d)(5)	REAL PROPERTY, THE FAIR MARKET VALUE OF WHICH EXCEEDS \$10,000, ACQUIRED DURING THE DISCLOSURE PERIOD.		
	NATURE OF INTEREST	NAME AND ADDRESS OF PERSON RECEIVING CONSIDERATION	CONSIDERATION GIVEN
<input type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if you have attached additional sheets			
ITEM 11 RSCH 15(d)(5)	REAL PROPERTY, THE FAIR MARKET VALUE OF WHICH EXCEEDS \$10,000, TRANSFERRED DURING THE DISCLOSURE PERIOD.		
	NAME AND ADDRESS OF PERSON FURNISHING CONSIDERATION	CONSIDERATION RECEIVED	
<input type="checkbox"/> Check here if entry is None <input type="checkbox"/> Check here if you have attached additional sheets			

ITEM 12 RSCH 15(d)(6)	CREDITOR INTEREST IN INSOLVENT BUSINESS HAVING A VALUE OF \$5,000 OR MORE.		
NAME OF BUSINESS	NATURE OF BUSINESS	NATURE OF INTEREST	VALUE

Check here if entry is None

Check here if you have attached additional sheets

ITEM 13 RSCH 15(d)(7); Rules 3.13, 3.14 & 3.15 Revised Code of Judicial Conduct	GIFT(S) AND REIMBURSEMENTS THAT MUST BE REPORTED UNDER RULE [3-13(e)] 3.15(a)(2) and (3) OF THE HAWAII REVISIED CODE OF JUDICIAL CONDUCT		
DATE	SOURCE	DESCRIPTION [OF GIFT]	ESTIMATED VALUE

Check here if entry is None

Check here if you have attached additional sheets

ITEM 14 RSCH 15(d)(8) & 22(h)	FULL-TIME JUDGES' APPROVED JUDICIAL EDUCATION
-------------------------------------	---

I attended _____ hours of Approved Judicial Education during the reporting period.

REMARKS:

See attached sheets.

CERTIFICATION: I hereby certify that the above is a true, correct, and complete statement.

SIGNATURE:

DATE:

NOTE: This filing is not valid without a signature.