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IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In the Matter of the  
  
PILOT PROJECT RE: LIMITED LICENSE METHOD FOR PUBLIC  
EMPLOYEE (CRIMINAL LAW)

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ORDER ESTABLISHING A PILOT PROJECT RE: LIMITED LICENSE  
METHOD FOR PUBLIC EMPLOYEE (CRIMINAL LAW)

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, Devens, JJ.)

On January 14, 2025, the court received a letter from the Office of the Public Defender, all county prosecutors in the State of Hawai‘i, and the Department of the Attorney General (the requesting governmental entities) requesting the court establish rules that provide for limited license reciprocity for attorneys actively licensed in another state, territory, or the District of Columbia who seek to practice criminal law on behalf of Hawai‘i government agencies. The letter provided that there is a growing shortage of attorneys willing to pursue careers in government criminal law and that this lack of attorneys threatens the integrity of Hawai‘i’s criminal justice system.

On or about February 10, 2025, the Judiciary published for public comment a proposal to establish a two-year pilot project to allow for the limited admission of licensed attorneys from out-of-state that desire to practice criminal law on behalf of the requesting governmental entities. In response, the Hawai'i State Bar Association submitted comments in support of the proposed pilot project.

Pursuant to this court's authority under article VI, section 7 of the Hawai'i Constitution and Hawai'i Revised Statutes §§ 605-1, -6 (2016) to establish the admission and other requirements for the practice of law in Hawai'i, it is hereby ordered:

A. On the terms set forth below, the court hereby establishes a pilot project effective on August 14, 2025, which shall expire on November 30, 2027. The Clerk of the Supreme Court shall be prepared to accept applications seeking admission under this pilot project by August 14, 2025.

B. The requesting governmental entities shall submit a report to the court by June 1, 2027, with a recommendation on whether to permanently adopt the pilot project, with relevant information submitted in support. A copy of this report shall be served on the Board of Examiners and the Hawai'i State Bar Association.

C. On or before September 1, 2027, the Board of Examiners and the Hawai'i State Bar Association may also submit a report on whether to permanently adopt the pilot project.

D. Any person that receives a limited license under the pilot project shall continue to be entitled to renew the limited license after the expiration of the pilot project under the terms stated therein.

E. The court hereby establishes the following pilot project:

**Limited License Method for Public Employee (Criminal Law).**

**(a) Purpose.** This rule establishes a process for a qualified applicant to obtain a limited license to practice law on behalf of the Office of the Public Defender, the County Prosecutors, or the Department of the Attorney General (Qualified Government Entity) in matters involving criminal law including appearances in criminal cases.

**(b) Qualifications.** A person hired or employed by a Qualified Government Entity, who has been admitted to practice by the highest court of another state, the District of Columbia, or a territory of the United States, and whose license to practice in that jurisdiction is active, who is a graduate of a law school approved by the American Bar Association Council on Legal Education and Admissions to the Bar, and who is in good standing in every jurisdiction where the attorney is licensed may apply for limited admission under this rule.

**(c) Process.** The applicant shall submit a bar application to the Board of Examiners. The application shall be made, adjudged, and conditioned as provided by the Rules of the Supreme Court of the State of Hawai'i (RSCH), Rules 1.3(a), (b), (c), (d), (e), (h), (i), 1.4 and 1.5. After completing its review, the Board shall submit a character and fitness report to the Clerk of the Supreme Court. The Clerk shall review the application and report, and if satisfied that the requirements of this rule have been met, shall submit the application and report to the court for consideration.

**(d) Term Limitation; Extensions.** A license issued under this rule shall expire on the earlier of: (a) the licensee's cessation of employment with the Qualified Government Entity, unless the licensee has already accepted employment with another Qualified Government Entity and notifies the Hawai'i State Bar Association of the change in employment; or (b) the licensee being issued a license to practice law under another method of licensure under the RSCH.

(e) **Attorney's license, form.** The license given to the attorney admitted under this rule shall be in the following form.

Supreme Court of Hawai'i

\_\_\_\_\_, licensee herein, having been examined and found to be of good moral character and to possess the necessary legal and educational qualifications, is hereby licensed to practice in criminal matters before all the courts of the State of Hawai'i as an attorney, counselor and solicitor during good behavior on behalf of the Office of the Public Defender, the County Prosecutors, or the Department of the Attorney General (Qualified Government Entity).

This license shall expire on the earlier of the licensee's cessation of employment with the Qualified Government Entity, unless the licensee has already accepted employment with another Qualified Government Entity and notifies the Hawai'i State Bar Association of the change in employment; or the licensee being issued a license to practice law under another method of licensure under the Rules of the Supreme Court of the State of Hawai'i.

(f) **Client and Compensation Limitation.** Attorneys admitted pursuant to this pilot project may represent only clients of the Qualified Government Entity. Attorneys admitted under this pilot project may not demand or receive any compensation from clients other than the compensation received from the Qualified Government Entity.

(g) **Discipline; Dues.** Attorneys admitted pursuant to this pilot project shall be subject to discipline under RSCH Rule 2, and shall in all other respects be required to pay dues and fees lawfully imposed on attorneys licensed to practice law in the State of Hawai'i. The fees for application and certificate of admission shall be assessed and paid on application for admission under this pilot project. The fees determined under RSCH Rule 17(d)(3) shall be assessed and paid from and after admission to the bar without limitation of time.

DATED: Honolulu, Hawai'i, June 18, 2025.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

