

Re: Proposal to Amend Rule 1.9(a)-(b), Rule 1.9A(b), (d), and Rule 17(d)(4)(B) of the Rules of the Supreme Court of the State of Hawai‘i

*PRO HAC VICE REQUIREMENTS AND NOTICE OF NONCOMPLIANCE WITH
CONTINUING LEGAL EDUCATION REQUIREMENTS*

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, Rule 1.9(a)-(b), Rule 1.9A(b), (d), and Rule 17(d)(4)(B), to: (1) require attorneys who are admitted to appear pro hac vice to make annual fee payments in December of each year, (2) allow late annual fee payments by pro hac vice counsel, (3) provide for a waiver of the requirement that a motion for pro hac vice admission be supported by a certificate of good standing issued by the Department of Commerce and Consumer Affairs, and (4) clarify the delivery method used to send the notice of noncompliance for failure to meet continuing legal education requirements.

The Ramseyer version of the proposed rule amendments are attached. 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 Monday, December 8, 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 email to pao@courts.hawaii.gov or via the [Judiciary website](#).

Attachment.

**PROPOSED AMENDMENTS TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**
(Deleted material is bracketed and stricken; new material is underlined.)

1.9. *Pro hac vice* appearance of counsel for court proceedings.

(a) Any attorney actively licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia may be permitted to associate with a member or members of the Hawai'i bar (local counsel) in the presentation of a specific case at the discretion of the presiding judge or judges.

(1) The petition or motion for *pro hac vice* appearance and any subsequent documents submitted on behalf of a party must be filed by local counsel and must comply with subsection (b) of this Rule. An attorney allowed to appear *pro hac vice* in a case may continue on appeal or upon remand in the same case without filing a new petition or motion for *pro hac vice* admission so long as the attorney complies with all applicable Hawai'i statutes, laws, and rules of the court in addition to other provisions of this Rule.

(2) An attorney allowed to appear *pro hac vice* shall, for each year the order is effective, pay to the Hawai'i State Bar an annual Disciplinary Board fee and an annual Lawyers' Fund for Client Protection fee authorized by the supreme court, provided that if the attorney is allowed to appear in more than one case, only one set of annual fees shall be paid. The Hawai'i State Bar may assess a reasonable fee to register and collect these fees on an annual basis and may establish late processing fees and reinstatement charges. Within 10 days after entry of an order granting a petition or motion for *pro hac vice* appearance, and also within 10 days of making subsequent fee payments in ~~[January]~~December of each year, the attorney shall file proof of payment of the required fees in the record of the court in which the case is then pending.

(3) FAILURE TO PAY REQUIRED FEES.

(A) Failure to pay the required fees within 10 days after entry of the order approving the petition or motion~~[-, and in January of each subsequent year,]~~ renders the order approving the petition or motion no longer valid, and a new petition or motion must be filed.

(B) Failure to pay the required fees in December of each subsequent year shall result in automatic suspension of the attorney's right to appear *pro hac vice* in the court that issued the order approving the petition or motion for *pro hac vice* appearance. The automatic suspension for failure to timely pay annual fees shall be lifted by the Hawai'i State Bar without further order upon (i) payment to the Hawai'i State Bar of all arrears and a late processing and reinstatement fee in such amount as shall be determined by the Board of Directors of the Bar from time to time, and (ii) satisfaction of such other requirements as may be imposed by the Board of Directors of the Bar and/or the supreme court. Within 10 days of paying arrears and late processing and/or

reinstatement fees, the attorney shall file proof of payment of the same in the record of the court in which the case is then pending.

(b) Local counsel shall file the petition or motion for *pro hac vice* appearance in the court to which the authorization to appear is sought and provide a copy to the Office of Disciplinary Counsel. The petition or motion shall be supported by:

(1) the declaration of local counsel that establishes the following under penalty of law:

(A) local counsel's business address and address for service of documents;

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(2) the declaration of the applicant for *pro hac vice* admission that establishes the following under penalty of law:

* * *

(H) where the applicant is employed by an entity that is subject to the business registration requirements of the Department of Commerce and Consumer Affairs (DCCA), the applicant has attached a copy of the certificate of good standing issued by the DCCA's business registration division for the applicant's employer that is dated within 10 days of the petition or motion, or in the alternative an affirmation that the applicant is not subject to the DCCA's business registration requirements along with an explanation sufficient to apprise the court of the reasons for the exemption, provided that the court, in its discretion, may waive the requirement in this subsection (H) upon good cause shown;

(I) the applicant's general excise tax license number issued by the Department of Taxation for the State of Hawai'i, and an affirmation that the applicant will pay all state income tax and general excise tax due for all business activities in the State of Hawai'i, or in the alternative an explanation from the applicant that the requirements of this subsection (I) do not apply; and

(J) designation of local counsel as agent for service of Hawai'i disciplinary process.

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1.9A. *Pro hac vice* appearance of counsel for arbitration proceedings.

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(b) **Contents of the application or petition.** The Hawai'i attorney to the arbitration shall submit to the arbitrator(s) in the subject arbitration a petition for *pro hac vice* appearance by the out-of-state attorney, and shall serve the petition upon all parties to the arbitration, along with the following in support of the petition:

(1) **REQUIRED INFORMATION.** The petition shall provide the following information:

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(2) **REQUIRED DECLARATION BY OUT-OF-STATE ATTORNEY.** In addition, the out-of-state attorney shall provide a declaration establishing under penalty of law that the out-of-state attorney:

(A) is in good standing before the courts where the attorney's license to practice law is active;

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(E) if employed by an entity that is subject to the business registration requirements of the Department of Commerce and Consumer Affairs (DCCA), the out-of-state attorney has attached a copy of the certificate of good standing issued by the DCCA's business registration division for the out-of-state attorney's employer that is dated within 10 days of the petition or motion, or in the alternative includes an affirmation that the out-of-state attorney is not subject to the DCCA's business registration requirements along with an explanation sufficient to apprise the court of the reasons for exemption, provided that the arbitrator(s), in their discretion, may waive the requirement in this subsection (E) upon good cause shown;

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(d) Duties of the *pro hac vice* attorney.

(1) The out-of-state attorney admitted *pro hac vice* in an arbitration shall pay to the Hawai'i State Bar the annual Disciplinary Board fee and the annual Lawyers' Fund for Client Protection fee authorized by the supreme court, provided that if the attorney is allowed to appear in more than one case, only one set of annual fees shall be paid. The Hawai'i State Bar may assess a reasonable fee to register and collect these fees on an annual basis and may establish late processing fees and reinstatement charges. Proof of payment of the required fees shall be served on the arbitrator(s), the parties to the subject arbitration, the arbitral forum, and the Office of Disciplinary Counsel. For each subsequent year that the approved petition is effective, the out-of-state attorney shall pay the annual fees in ~~[January]~~December and serve proof of payment upon the arbitrator(s), the parties to the subject arbitration, the arbitral forum, and the Office of Disciplinary Counsel.

(2) FAILURE TO PAY REQUIRED FEES.

(A) Failure to pay the annual fees within 10 days after entry of the order approving the petition~~[-, and in January of each subsequent year,]~~ renders the order approving the petition no longer valid, and a new petition must be filed.

(B) Failure to pay the annual fees in December of each subsequent year shall result in automatic suspension of the attorney's right to appear *pro hac vice* in the arbitration. The automatic suspension for failure to timely pay *pro hac vice* annual fees shall be lifted by the Hawai'i State Bar without further order upon (i) payment to the Hawai'i State Bar of all arrears and a late processing and reinstatement fee in such amount as shall be determined by the Board of Directors of the Bar from time to time, and (ii) satisfaction of such other requirements as may be imposed by the Board of Directors of the Bar and/or the supreme court. Within 10 days of paying all arrears and late processing and/or reinstatement fees, the attorney shall serve proof of payment upon the arbitrator(s), the parties to the subject arbitration, the arbitral forum, and the Office of Disciplinary Counsel.

(3) The out-of-state attorney shall notify the Hawai'i attorney, the arbitrator(s), and the parties to the subject arbitration when there is any material change to the information provided under subsections (b)(1) and (b)(2) of this Rule.

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Rule 17. THE HAWAI'I STATE BAR.

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(d) Member registration, information, assessment, suspension and status.

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(4) ADMINISTRATIVE SUSPENSION.

(A) *Failure to file, cooperate with an audit, or pay.* Failure to file a properly completed attorney registration statement or to cooperate with an audit of the attorneys's continuing legal education hours conducted pursuant to Rule 22(d)(2) of these Rules, or nonpayment of any dues, fees, or charges required by these Rules, after 15 days written notice, shall result in automatic suspension by the Hawai'i State Bar, of membership and the right to practice law until reinstatement. The Board of Directors of the Bar

(1) may establish late processing fees and reinstatement charges and

(2) may exempt from the registration requirements inactive attorneys who do not maintain active licenses and do not practice law in any other jurisdiction.

(B) *Failure to meet CLE requirements; notice of noncompliance; subsequent acquisition of hours; contest; suspension.* Within 60 days after the deadline for filing the disclosure required by Rule 17(d)(1)(D), the Executive Director of the Bar shall send a [~~certified~~]written notice of noncompliance to each member whose disclosure shows the CLE requirement has not been met. A member who receives a [~~certified~~]written notice of noncompliance may, within 15 days after the notice was mailed, submit to the Executive Director of the Bar evidence the member has acquired the mandated credit hours (which hours may not be counted for the current year); that the notice of noncompliance was issued erroneously, or that the member has resigned his or her license to practice law. A member who fails to prove the member acquired the mandated credit hours or that the notice of noncompliance was issued erroneously shall be automatically and immediately suspended by the Bar.