

**Electronically Filed
Supreme Court
SCRU-11-0000504
26-OCT-2018
01:39 PM**

SCRU-11-0000504

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Publication
of the
Rules of the Disciplinary Board of the Hawai'i Supreme Court

ORDER AUTHORIZING PUBLICATION OF
AMENDMENTS TO RULE 13 OF THE RULES OF THE
DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT
(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of the Disciplinary Board's amendments to Rule 13 of the Rules of the Disciplinary Board of the Hawai'i Supreme Court, adopted by the Disciplinary Board on April 26, 2018, it appears the amendments are not inconsistent with the Rules of the Supreme Court of the State of Hawai'i. Therefore,

IT IS HEREBY ORDERED that the Clerk shall incorporate the amendments into the Rules of the Disciplinary Board of the

Hawai'i Supreme Court published on the Hawai'i Judiciary's website and shall transmit the amendments to the publishing companies that publish Hawai'i Rules of Court, as follows (new material is underlined):

Rule 13. DOCKETING STANDARD FOR COMPLAINTS.

(a) Counsel shall docket a Grievance as a Complaint if Counsel determines that a finding of an ethical violation and the imposition of discipline are likely to occur assuming the facts to be true and no other credible information contradicts those facts.

(b) When a Complaint has been docketed, it shall be formally investigated.

(c) When Counsel determines, on the face of the Grievance, that a finding of an ethical violation and the imposition of discipline are not likely to occur pursuant to subparagraph (a) above, Counsel may summarily dispose of or dismiss the Grievance without formal investigation or Preparation and Submission of an Investigative File, with the concurrence of a Reviewing Board Member.

(d) When the Reviewing Board Member disagrees with the recommendation of Counsel, the Grievance shall be docketed as a Complaint.

(e) Under no circumstances shall any Grievance or Complaint be disposed of or dismissed without the review and approval of the appropriate Reviewing Board Member.

DATED: Honolulu, Hawai'i, October 26, 2018.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

