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SCRU-11-0001047

IN THE SUPREME COURT OF THE STATE OF HAWAII

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In the Matter of the  
HAWAII RULES OF PROFESSIONAL CONDUCT

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ORDER AMENDING RULE 8.4 OF THE  
HAWAII RULES OF PROFESSIONAL CONDUCT

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that the Comments to Rule 8.4 of the Hawai'i Rules of Professional Conduct are amended by adding a new Comment [6], effective upon the filing of this order, as follows (new material is underscored) :

**Rule 8.4. MISCONDUCT.**

It is professional misconduct for a lawyer to:

- (a) attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) Reserved;
- (e) state or imply an ability to influence improperly a government agency or official; or
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
- (g) fail to cooperate during the course of an ethics investigation or disciplinary proceeding.

**COMMENTS:**

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*[6] Unless authorized by a court, an attorney who uses the judiciary's electronic filing or data storage system to gain access to confidential information filed in a case to which the attorney is not a party and/or an attorney of record may be subject to discipline under Rule 8.4(c) of this Rule.*

DATED: Honolulu, Hawai'i, September 26, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

