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SCRU-11-0001047

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the
HAWAII RULES OF PROFESSIONAL CONDUCT

ORDER AMENDING RULE 8.5 OF THE
HAWAII RULES OF PROFESSIONAL CONDUCT

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

IT IS HEREBY ORDERED that Rule 8.5 of the Hawai'i Rules of Professional is amended, effective July 1, 2022, as follows (deleted material is bracketed and stricken; new material is underscored) :

Rule 8.5. DISCIPLINARY AUTHORITY; CHOICE OF LAW.

(a) **Disciplinary Authority.** A lawyer admitted, specially admitted, or granted limited admission to practice in the State of Hawai'i is subject to the disciplinary authority of the Hawai'i Supreme Court and the [Hawai'i] Disciplinary Board of the Hawai'i Supreme Court ("the Board"), regardless of where the conduct occurs. A lawyer not admitted, specially admitted, or granted limited admission to practice law in the State of Hawai'i but otherwise authorized to practice in the State] is also subject to the disciplinary authority of the Hawai'i Supreme Court and the Board if the lawyer provides or offers to provide any legal services in the State of Hawai'i. A lawyer may be subject to the disciplinary authority of both the State of Hawai'i and another jurisdiction for the same conduct.

COMMENTS:

[5] The purpose of this Rule is to establish that the Hawai‘i Supreme Court and the Disciplinary Board of the Hawai‘i Supreme Court (“the Board”) have disciplinary jurisdiction over any attorney who engages in the practice of law within the state with respect to enforcement of its rules governing acts and omissions that may constitute grounds for discipline. Under this Rule, an attorney who is not licensed to practice in this state but engages in the practice of law in the state, and commits acts or omissions that may constitute grounds for discipline, is subject to the disciplinary jurisdiction of the Hawai‘i Supreme Court and the Board. Extension of the disciplinary authority of this jurisdiction to other lawyers who provide or offer to provide legal services in the State of Hawai‘i is for the protection of the public. Reciprocal enforcement of a jurisdiction’s disciplinary findings and sanctions will further advance the purposes of this Rule.

DATED: Honolulu, Hawai‘i, June 14, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

