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SCRU-11-0000068

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Amendment
of the
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I

ORDER AMENDING RULES 1.4 and 1.7 OF THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I
(By: Recktenwald, C.J., Nakayama, Acoba and Duffy, JJ., and
Intermediate Court of Appeals Chief Judge Nakamura,
in place of McKenna, J., recused)

IT IS HEREBY ORDERED that Rules 1.4 and 1.7 of the
Rules of the Supreme Court of the State of Hawai'i are amended,
effective July 1, 2011, as follows (deleted material is bracketed
and stricken; new material is underscored):

Rule 1. ADMISSION TO THE BAR.

* * *

1.4. Fees

(a) Each applicant shall pay to the Clerk a filing fee with his or her
application in such amount as may be determined by the Supreme Court.

(b) A successful applicant shall pay any additional fee as may be
determined by the Supreme Court for the applicant's certificate of admission to
the bar.

(c) Upon request the Clerk of the Court may issue a replacement certificate of admission to the bar. The fee for the replacement certificate shall be in such amount as may be determined by the Supreme Court.

(d) The cost of a character report from the National Conference of Bar Examiners, if required, shall be borne by the applicant; except that the uniformed service judge advocate seeking limited admission pursuant to Rule 1.7 shall not be required to submit a character report.

(e) The [b]Board shall prepare an annual budget for the expenditure of those funds; shall develop appropriate financial policies for the management of such funds; shall have exclusive control and responsibility over all financial transactions involving such funds; and shall develop and maintain accounting records showing receipt and disposition of such funds, which records shall be subject to audit.

* * *

1.7. Limited admission of military attorneys.

(a) **Full-time active duty officers.** A full-time active duty military officer serving in the office of the Staff Judge Advocate of the United States Army, Air Force, Navy, Marines, or Coast Guard or in the Naval Legal Service Office (hereafter "uniformed service judge advocate"), who has been admitted to practice by the highest court of another state, the District of Columbia, or a territory of the United States, whose license to practice in that jurisdiction is active, and who is a graduate of a law school approved by the American Bar Association Council on Legal Education and Admissions to the Bar may apply for limited admission and be accorded limited admission without examination. In all other respects the application shall be made adjudged, and conditioned as provided by Rules 1.3(a), (b), (c), (d), (e), (h) and (i), 1.4, and 1.5 of this Rule 1.

(b) **Term limitation; extensions.** The term of admission under this rule shall be limited to a period of [~~four (4)~~] 4 years. The term may be extended one time at the request of the Staff Judge Advocate or the Commanding Officer, Naval Legal Service Office, provided the uniformed service judge advocate has not been disciplined under Rule 2 of these rules. The license shall expire at the end of the [~~four (4)~~] 4 year term or any extension thereof or when the uniformed service judge advocate admitted under this Rule 1.7 ends active duty service in Hawai'i. The license admitting such uniform service judge advocate shall be in the form provided by Rule 1.6 herein, except that the words "engage in limited military" shall be inserted between the words "to" and "practice" in the phrase ". . . hereby licensed to practice in all the courts of the State . . ." so that the phrase reads ". . . hereby licensed to engage in limited military practice in all the courts of the State. . . ."

(c) **Client and compensation limitation.** Uniform service judge advocates admitted pursuant to this Rule 1.7 may represent only active duty military personnel in enlisted grades E-1 through [~~E-4~~] E-5 and their dependents to the extent such representation is permitted by the Staff Judge Advocate or the Commanding Officer, Naval Legal Service Office. Uniformed service judge advocates admitted pursuant to this Rule 1.7 may not demand or receive any compensation from clients in addition to usual military pay already received.

(d) Discipline; dues. Uniform service judge advocates admitted pursuant to this Rule 1.7 shall be subject to discipline under Rule 2, [RSCH] Rules of the Supreme Court of the State of Hawai'i, may claim to be employed full-time by the United States Government for purposes of assessment of dues and fees, and shall [~~in all other respects~~] be required to pay dues, ~~and~~ fees, ~~and charges~~ [lawfully] imposed on bar applicants and attorneys licensed to practice law in the State of Hawai'i, except the character check from the National Conference of Bar Examiners shall not be required.

DATED: Honolulu, Hawai'i, April 18, 2011.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Craig H. Nakamura

