

Electronically Filed
Supreme Court
SCRU-11-0000068
27-JUL-2023
01:38 PM
Dkt. 162 ORD

SCRU-11-0000068

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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

ORDER PROMULGATING A NEW RULE 7 OF THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI‘I
(By: Recktenwald, C.J., McKenna, and Eddins, JJ., and
Intermediate Court of Appeals Chief Judge Ginoza, and
Intermediate Court of Appeals Associate Judge Leonard,
assigned by reason of vacancies)

IT IS HEREBY ORDERED that current Rule 7 of the Rules
of the Supreme Court of the State of Hawai‘i is replaced with a
wholly new Rule, effective upon entry of this order, as follows:

**Rule 7. SUPERVISED LAW-STUDENT INTERN LIMITED PRACTICE
OF LAW.**

7.1. Purpose. This Rule sets forth conditions under which a law-student
intern may engage in the limited practice of law. These conditions balance three
considerations:

- (1) protecting the consumer of legal services,
- (2) expanding access to justice by allowing qualified and duly-supervised
law-student interns to provide legal services, and
- (3) developing legal skills, professional judgment, and ethical behavior in
law-student interns through supervised legal services.

7.2. Definitions.

(a) A “law-student intern” is an individual enrolled and in good standing as a Bachelor of Law (LL.B.) or Juris Doctor (J.D.) candidate at a law school fully or provisionally accredited by the American Bar Association (ABA) who has successfully completed legal studies amounting to one-third of the course work required for graduation from that law school.

(b) A “supervising lawyer” is a member in good standing of the Hawai‘i bar who assumes the duties of supervising a law-student intern under this Rule and who is ultimately responsible for the activities of the law-student intern.

(c) A “clinical program” is a practice-focused law course administered under the direction of a faculty member of a fully or provisionally ABA-accredited law school, in which satisfactory completion entitles a qualified law student to receive academic credit. This may include a law school’s clinic courses, as well as its externship or field-placement program.

(d) A “law practicum” is an experienced-based law-practice program that is not a clinical program. It is designed and implemented by a supervising lawyer to enable a law-student intern to provide competent, ethically sound legal services, especially, but not necessarily limited to, financially or socially disadvantaged individuals in this state.

7.3. Qualification procedures for law-student interns.

(a) For a law-student intern engaged in a clinical program or a law practicum, the supervising attorney must, before the law-student intern is authorized to practice, file at the supreme court the following documents:

(1) a declaration from the supervising attorney, containing the attorney’s bar number, business address, telephone number, and email address, acknowledging the duties imposed by this Rule;

(2) a declaration from the law-student intern, demonstrating the law-student intern fulfills the criteria set forth in Rule 7.2(a) of this Rule; and

(3) a signed oath administered as set forth in Rule 7.9 of this Rule.

Authority to practice shall commence the day after the filing date of the last document filed.

(b) The supervising attorney must inform the client that the law-student intern is performing supervised work for the client and obtain the client’s signed, written consent to the law-student intern’s supervised work. Exclusively in the case of a government office or agency, or a state or local political subdivision, the consenting “client” would be the relevant attorney general, executive director, chairperson, chief counsel, or prosecuting attorney.

7.4. Appearances by law-student interns.

(a) A law-student intern may appear in any court or administrative tribunal in this state in which a licensed attorney may appear, including related discovery events, on behalf of a client, provided that the client’s written consent, with the signature of the supervising attorney, is filed in the record of the court or administrative tribunal before or at the time of the law-student intern’s first appearance in a matter.

(b) Unless prohibited by statute or ordinance, a law-student intern may also appear in any matter on behalf of the United States, the State of Hawai‘i, or any state political subdivision, subject to the requirements of subsection (a) of this section.

7.5. Permissible law-student intern activities.

Any law-student intern with the knowledge and approval of a supervising lawyer and the client may also engage in the following activities:

- (1) Counsel and advise clients, interview and investigate witnesses, negotiate the settlement of claims, pursue or oppose relief by procedural motion, as well as prepare and draft legal instruments, pleadings, briefs, abstracts and other documents. Any document requiring signature of counsel, and any settlement or compromise of a claim, however, must be signed by the supervising lawyer; and
- (2) Render assistance to clients who are inmates of penal institutions or other clients who request such assistance in preparing applications and supporting documents for post-conviction legal remedies.

7.6. Duration of law-student intern authorization and compensation limitations.

(a) The law-student intern may continue to serve so long as the law-student intern is enrolled in a clinical program or is participating in a law practicum as defined by Rule 7.2 of these Rules; authorization to serve shall cease upon any removal of good standing of the supervising attorney or law-student intern or the termination of such enrollment or participation. The supervising attorney shall file at the supreme court a written notice of any change in the good-standing status of either the supervising attorney or the law-student intern and shall similarly file a written notice of the law-student intern's departure from enrollment in the clinical program or participation in the law practicum. After graduation, the law-student intern may continue to represent a client in cases initiated before graduation if such representation is deemed appropriate by the supervising lawyer, but in no case shall the continued representation under this Rule extend beyond the swearing-in date of the next bar examination.

(b) A law-student intern shall neither ask for nor receive any compensation or remuneration directly from the client for services rendered to a client, but this shall not prevent a supervising lawyer, a law school, or public agency from paying compensation to a law-student intern or from making such charges for services as such lawyer, law school, or public agency may otherwise properly require.

7.7. Supervision of law-student intern practice.

The supervising lawyer shall counsel and assist the law-student intern who practices law pursuant to this Rule, and shall provide professional guidance in every phase of such practice with special attention to matters of professional responsibility and legal ethics.

7.8. Miscellaneous.

(a) **Disciplinary liability.** Law-student interns practicing pursuant to this Rule shall be governed by the rules of conduct applicable to lawyers generally, but the termination of practice referred to in Rule 7.6 shall be the exclusive sanction for disciplinary infractions which occur during authorized practice; except that such disciplinary infractions may be considered by a court or agency authorized to entertain applications for admission to the practice of law. Nothing in this provision shall limit the disciplinary liability of the supervising attorney.

(b) Other lawful acts. Nothing contained in this Rule shall affect the right of any person to do anything that person might lawfully do were this Rule not in existence.

(c) Immunity. Except for use by an attorney-admission or disciplinary authority or judicial-selection authority of any jurisdiction in which the law-student intern is admitted to practice or seeks to practice, information submitted to this court shall be absolutely privileged and no lawsuit predicated thereon may be instituted. Members of this court and the staff performing duties and functions under this Rule shall be immune from suit and liability for any conduct in the course of their official duties.

7.9. Oath.

A law-student intern shall swear the following oath before an individual authorized by law to administer oaths, and shall then submit written proof thereof to the supervising attorney, for filing with this court, as required by Rule 7.3(a) of this Rule:

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the State of Hawai‘i, and that I will at all times conduct myself in accordance with the Hawai‘i Rules of Professional Conduct.

As an officer of the courts to which I am admitted to practice, I will conduct myself with dignity and civility towards judicial officers, court staff, and my fellow professionals.

I will faithfully discharge my duties as a law-student intern in the courts of the state to the best of my ability, giving due consideration to the legal needs of those without access to justice.

Subscribed and sworn to before me this ____ day of _____, 20__.

[NAME OF LAW-STUDENT INTERN]

[NAME OF OATH-ADMINISTRATOR]

Jurisdiction

DATED: Honolulu, Hawai‘i, July 27, 2023.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Katherine G. Leonard

