## Comparison of Newly Adopted Hawaii Rules of Professional Conduct with ABA Model Rules

<table>
<thead>
<tr>
<th>Rule 1.0</th>
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<tbody>
<tr>
<td><strong>HAWAII</strong></td>
<td>New rules as adopted by Hawaii Supreme Court to be effective 1/1/2014. Variations from the Model Rules are noted. Rules only; comment comparison not included.</td>
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<tr>
<td><strong>Preamble</strong></td>
<td>Identical.</td>
</tr>
<tr>
<td><strong>Scope</strong></td>
<td>Identical.* (*numbering is not continuous but substance is identical)</td>
</tr>
<tr>
<td>Rule 1.0</td>
<td>Similar.</td>
</tr>
</tbody>
</table>

Deletes “informed” before “consent” throughout Rule. Numbering (a., b., c. etc.) differs between Hawaii and ABA MRPC.

(b): Deletes “of a person” after “consent” and replaces with “after consultation”; deletes “by the person” after “writing”; deletes “to the person” after “transmits”; adds “obtained after consultation” after “consent”. Changes “paragraph 9e” to “Rule 1.0(c)”; changes “informed consent” to “consultation”. Changes “the person gives informed consent” to “at the time consent is given”.

Adds (c): “Consult” or “consultation” denotes communication of information reasonably sufficient to permit the client to appreciate significance of the matter in question.

(d): Similar to MRPC (c) “Firm or law firm”: Deletes “law partnership, professional corporation, sole proprietorship or other association authorized to practice law” and replaces with “professional business organization”; Adds “see Rule 6 of the Rules of the Supreme Court of the State of Hawai’i” after “business organization”. Adds sentence “See Comment [1], Rule 1.10” to end.

Deletes MRPC (e) “Informed consent”

(e) Similar to MRPC (d): “Fraud” or “fraudulent” denotes conduct having a purpose to deceive and not merely negligent misrepresentation or failure to apprise another of relevant information.

(f): Changes “a person’s knowledge” to “A client’s, an attorney’s, or a third party’s knowledge”.

(g): Changes “or a member of an association authorized to practice law” to “or person with an owner interest in a lawyer’s professional business organization of any kind.” Adds: “See Rule 6 of the Rules of the Supreme Court of the State of Hawai’i to end.”
As of July 22, 2014

| Rule 1.1 | Identical |
| Rule 1.2 | (d): Deletes “informed consent” and replaces with “consent after consultation”

Adds (e): “When a lawyer knows or reasonably should know that a client expects assistance not permitted by the Rules of Professional Conduct or other law, the lawyer shall consult with the client regarding the relevant limitations on the lawyer’s conduct. See Rule 1.4(a)(5) of these Rules.” |

| Rule 1.3 | Identical |
| Rule 1.4 | (a): Deletes “informed consent” and replaces with “consent after consultation”; changes 1.0(e) to 1.0(c)

Adds (a)(6): “promptly inform the client of a written offer of settlement in a civil controversy or a proffered plea bargain in a criminal case which the lawyer receives.” |

| Rule 1.5 | (a)(8): Adds “and in contingency fee cases the risk of no recovery and the conscionability of the fee in light of the net recovery to the client” after “contingent” to end.

(b): Adds sentence “Fee payments received by a lawyer before legal services have been rendered are presumed to be unearned and shall be held in a trust account pursuant to Rule 1.15 of these Rules.”

(e)(2): “the client is advised of and does not object to the participation of all the lawyers involved; and”

Adds (f): Inapplicability of This Rule. “This Rule does not prohibit payment to a former partner or associate pursuant to a separation or retirement
As of July 22, 2014

| Rule 1.6 | (a): Changes “unless the client gives informed consent” to “unless the client consents after consultation”; changes “or the disclosure is permitted by paragraph (b)” to “or as stated in paragraph (b) or (c)”. (b)(1): deletes MR (b)(1) and replaces with MR (b)(2); changes “crime or fraud that is reasonably certain to result” to “criminal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm”; deletes “and in furtherance of which the client has used the lawyer’s services;” (b)(2): “to rectify the consequences of a client’s act which the lawyer reasonably believes to have been criminal or fraudulent and in the furtherance of which the lawyer’s services had been used;” (b)(3): identical to MR (b)(4) (b)(4): identical to MR (b)(5) Hawaii Model Rules deletes ABA MR (b)(6), (b)(7) & (c). Replaces with: (b)(6): “to rectify the consequences of a public official’s or a public agency’s act which the government lawyer reasonably believes to have been criminal or illegal and harmful to the public good; or” (b)(7): “to the extent strictly necessary to comply with other law, fiduciary obligations, or court orders” (c): “A lawyer shall reveal information that clearly establishes a criminal or fraudulent act of the client in the furtherance of which the lawyer’s services had been used, to the extent reasonably necessary to rectify the consequences of such act, where the act has resulted in substantial injury to the financial interests or property of another.” |

| Rule 1.7 | Title: Conflict of Interest: General Rule Adds (c): “When representation of multiple clients in a single matter is contemplated, the consultation shall include explanation of the implications of the common representations, including both the advantages and the risks involved.” |

| Rule 1.8 | Title: Conflict of Interest: Prohibited Transaction (a)(3): Changes “the client gives informed consent, in a writing signed by the client” to “the client consents in writing” (b): Deletes “informed consent” and replaces with “consents after consultation” (f)(1) Deletes “gives informed consent” and replaces with “consents after consultation” (g): Deletes “informed consent, in a writing signed by the client” and replaces with “consents in a writing signed by the client after consultation” (h)(1): Deletes “unless the client is independently represented in making the agreement” Adds (k): “A lawyer related to another lawyer as parent, child, sibling, domestic partner or spouse shall not represent a client in a representation directly adverse to a person who the lawyer knows is represented by the other lawyer except upon consent by the client after consultation regarding the relationship.” |
| Rule 1.9 | Title: Conflict of Interest: Former Client  
(a): Deletes “informed consent, confirmed in writing” and replaces with “consents after consultation and confirms in writing”  
(b)(2): Changes “gives informed consent, confirmed in writing” to consents after consultation, and confirms in writing” |
| --- | --- |
| Rule 1.10 | (a): Adds “or 2.2” after “1.7 or 1.9”; combines MR (a)(1) into (a) and changes “disqualified lawyer” to “prohibited lawyer”  
Hawaii Rule deletes MR (a)(2)(i)-(iii)  
(b): Replaces “a person” with “a new client”; replaces “the formally associated lawyer” with “the departed lawyer” and deletes “and not currently represented by the firm”  
(b)(1): Changes “formerly associated” to “departed lawyer”; inserts “original” before “client”  
Adds: (c): “When a lawyer becomes associated with a firm, and the lawyer is prohibited from representing a client because the lawyer’s former firm has represented a person whose interests are materially adverse to that client, other lawyers in the firm may not thereafter represent the client unless:  
(c)(1): “the disqualified lawyer did not participate in the matter and has no confidential information regarding the matter”  
(c)(2): Identical to MC (a)(2)(i)  
(c)(3): Similar to MC (a)(2)(ii): Hawaii Rule deletes text after “provisions of this Rule” to end.  
(d): Identical to MR (c)  
(e): Identical to MR (d) |
| Rule 1.11 | (a)(2): Deletes “informed” before “consent” and adds “after consultation” after confirmed in writing to end.  
(d)(2)(1) in MR is (d)(2)(A) in Hawaii Model Rule: (d)(2)(A) is similar-deletes MR text after “employment, unless” to end and replaces with “under applicable law no one is, or by lawful delegation may be, authorized to act, in the lawyer’s stead in the matter, though should another lawyer be authorized to act, the conflict shall not be imputed to other public lawyers in the organization, provided the conflicted lawyer is screened and written notice of the disqualification and screening is provided to the former client whom the disqualified lawyer represented in private practice in the matter; or” |
| Rule 1.12 | (a): Deletes “Except as stated in paragraph (d)”; replaces “give informed consent” with “consent after disclosure”  
Deletes MR (d) |
| Rule 1.13 | (c)(1): Deletes text after “on behalf of the organization” and replaces with “(i) insists upon an action that is clearly a violation of law, (ii) or insists upon a refusal to act that is clearly a violation of law, or (iii) fails to address such a violation in a timely and appropriate matter, and”  
Deletes (h) |
| Rule 1.14 | Title: Client Under A Disability  
(a) Changes “capacity” to “ability”  
(c): Changes 1.6 to 1.6(a) |
Rule 1.15 Different from MR.

Rule 1.15. PRESERVING IDENTITY OF FUNDS AND PROPERTY OF A CLIENT OR THIRD PERSON.

(a) Every lawyer in private practice in the State of Hawai‘i who receives or handles client funds shall maintain in one or more bank or savings and loan association accounts maintained in this state, in the lawyer's own name, or in the name of a partnership of lawyers, or in the name of the professional corporation of which the lawyer is a member, or in the name of the lawyer or partnership of lawyers by whom employed:

(1) a trust account or accounts, separate from any business and personal accounts, into which all funds entrusted to the lawyer's care shall be deposited; and

(2) a business account into which all earned trust funds for professional services shall be deposited.

(b) Each trust account, as well as deposit slips and checks drawn thereon, shall be prominently labeled "client trust account." Nothing herein shall prohibit any additional descriptive designation for a specific trust account. Client trust account checks shall bear preprinted consecutive numbers. Each business account, as well as deposit slips and checks drawn thereon, shall be prominently labeled "business account," "office account," or appropriate business-type account.

(c) A lawyer in possession of any funds or other property belonging to a client or third person, where such possession is incident to the lawyer's practice of law, is a fiduciary and shall not commingle such funds or property with his or her own or misappropriate such funds or property to his or her own use and benefit. A lawyer may deposit into a trust account funds reasonably sufficient to either pay bank charges or avoid paying bank charges on the account. Funds belonging in part to a client and in part presently or potentially to the lawyer or law firm must be deposited into the trust account, but the portion belonging to the lawyer or law firm must be withdrawn when due unless the right of the lawyer or law firm to receive the funds is disputed by the client, in which event the disputed portion shall not be withdrawn until the dispute is finally resolved.

(d) All funds entrusted to a lawyer shall be deposited intact into a trust account. The deposit slip shall be sufficiently detailed to identify each item. All fee retainers shall be maintained in trust until earned. All fee retainers are refundable until earned.

(e) All trust account withdrawals shall be made only by authorized bank transfer or by check made payable to a named payee and not to cash. Only an attorney admitted to practice law in this state shall be an authorized signatory on an attorney trust account. Earned fees withdrawn from a trust account shall be distributed by check to the named lawyer, law partnership, or professional law corporation. No personal or non-client business expenses of the lawyer, law partnership, or professional law corporation shall be paid directly from the
trust account.  

(f) A lawyer shall:  

(1) promptly notify a client or third person of the lawyer's receipt of funds, securities, or other properties in which the client or third person has an interest;  
(2) identify and label securities and properties of a client or third person promptly upon receipt and place them in a safe deposit box or other place of safekeeping as soon as practicable;  
(3) maintain complete computerized or manual records of all funds, securities, and other properties of a client or third person coming into the possession of the lawyer and promptly render appropriate accounts to the client or third person regarding them. The books and records shall be preserved for a [sic] least six years after completion of the employment to which they relate. Every lawyer in private practice shall certify, in connection with the annual renewal of the lawyer's registration, that the lawyer or the lawyer's law firm maintains books and records in compliance with this rule, HRPC Rule 1.15; and  
(4) promptly pay or deliver to the client or third person, as requested by the client or third person, the funds, securities, or other properties in the possession of the lawyer which the client or third person is entitled to receive.  

(g) A lawyer shall, at a minimum, maintain for at least six years after completion of the employment to which they relate, the following computerized or manual books and records demonstrating compliance with this rule, HRPC Rule 1.15:  

(1) Cash receipts and disbursements journals for each trust and business account, including entries for receipts, disbursements, and transfers, and also containing at least:  
   (A) identification of the client matter for which trust funds were received, disbursed, or transferred;  
   (B) the date on which trust funds were received, disbursed, or transferred;  
   (C) the check number for each disbursement; and  
   (D) the payor or payee for which the trust funds were received, disbursed, or transferred.  
   
(2) A subsidiary ledger containing either a separate page for each client (for manual records only) or an equivalent computer analysis showing all individual receipts, disbursements, or transfers and any unexpended balance, and also containing:  
   (A) identification of the client or matter for which trust funds were received, disbursed, or transferred;  
   (B) the date on which trust funds were received, disbursed, or transferred;  
   (C) the check number for each disbursement; and  
   (D) the payor or payee for which the trust funds were received, disbursed, or transferred.  
   
(3) Copies of any retainer and compensation agreements with clients.  
(4) Copies of any statements to clients showing the disbursement of funds to them or on their behalf.  
(5) Copies of all bills rendered to clients.  
(6) Copies of records showing all payments to attorneys, investigators, or other
persons, not in the lawyer's regular employ, for services rendered or performed.

(7) All checkbooks, check stubs, bank statements, prenumbered cancelled checks (or access to cancelled checks), and deposit slips (or access to deposit slips).

(8) Copies of all monthly trust account reconciliations.

(9) Copies of all records showing at least quarterly

(i) a listing of trust accounts (names and related balances), the grand total of which agrees with (equals)

(ii) the reconciled trust account bank balance of even date (a printed copy of the listing and the reconciled trust account balance shall be maintained for 6 years).

(10) A record showing all property, specifically identified, other than cash, held in trust, provided that routine files and documents which are not expected to be held indefinitely need not be so recorded.

(h) The financial books and other records required by this rule shall be maintained on a cash method consistently applied from year to year. Bookkeeping records may be maintained by computer, provided that they otherwise comply with this rule and provided further that printed copies can be made on demand. Bookkeeping records shall be located at the principal Hawai‘i office of each lawyer, law partnership, or professional law corporation and shall be available for inspection, checks for compliance with this rule, and copying at that location by a duly authorized representative of the Office of Disciplinary Counsel.

| Rule 1.16 | (d): Deletes sentence “The lawyer may retain papers relating to the client to the extent permitted by other law” |
| Rule 1.17 | (a): Deletes “in which the practice has been conducted”
(d): Deletes “Existing agreements between the seller and the client as to fees and the scope of the work must be honored by the purchaser, unless the client consents in writing after consultation” |
| Rule 1.18 | (a): Changes “consults” to “discusses”
(b): Changes “learned information from” to “had discussions with”; adds “learned in the consultation” after “reveal information”
(d): Adds at beginning: “Representation is allowed with consent or screening.”
(d)(1): Changes “informed consent” to “consent after consultation”
(d)(2): Replaces “took reasonable measures to avoid exposure” to “did not obtain more disqualifying information than was reasonably necessary” |
| Rule 2.1 | Identical. |
| Rule 2.2 | MR Deleted. |

**Rule 2.2. INTERMEDIARY.**

(a) A lawyer may act as intermediary between clients if:

(1) the lawyer consults with each client concerning the implications of the common representation, including the advantages and risks involved, and the effect on the attorney-client privileges, and obtains each client's consent to the
common representation;
(2) the lawyer reasonably believes that the matter can be resolved on terms
compatible with the clients' best interests, that each client will be able to make
adequately informed decisions in the matter and that there is little risk of
material prejudice to the interest of any of the clients if the contemplated
resolution is unsuccessful; and
(3) the lawyer reasonably believes that the common representation can be
undertaken impartially and without improper effect on other responsibilities
the lawyer has to any of the clients.

(b) While acting as intermediary, the lawyer shall consult with each client
concerning the decisions to be made and the considerations relevant in making
them, so that each client can make adequately informed decisions.
(c) A lawyer shall withdraw as intermediary if any of the clients so request, or
if any of the conditions stated in paragraph
(a) is no longer satisfied. Upon withdrawal, the lawyer shall not continue to
represent any of the clients in the matter that was the subject of the
intermediation.

<table>
<thead>
<tr>
<th>Rule 2.3</th>
<th>(b): Changes “gives informed consent” to “consents after consultation.”</th>
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<tbody>
<tr>
<td></td>
<td>(c): Adds “of these Rules” after “Rule 1.6” to end.</td>
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| Rule 2.4 | (a): Deletes “in law and fact” after “basis for doing so” |

| Rule 3.1 | Identical. |
| Rule 3.2 | Identical. |
| Rule 3.3 | Similar. Numbering and structure different. |
|          | (a)(1): Deletes all text after “make a false statement… to a tribunal” |
|          | (a)(2): “fail to disclose a material fact to a tribunal when disclosure is
necessary to avoid assisting a criminal or fraudulent act by the client;” |
|          | (a)(3): Identical to MR (a)(2) |
|          | (a)(4) “offer evidence that the lawyer knows to be false. If a lawyer has offered
material evidence and comes to know of its falsity, the lawyer shall take
remedial measures to the extent reasonably necessary to rectify the
consequences.” |
|          | (b): “The duties stated in paragraphs (a) and (d) continue to the conclusion of
the proceeding, and applies even if compliance requires disclosure of
information otherwise protected by Rule 1.6(a) of these Rules.” |
|          | (c): “A lawyer may refuse to offer evidence that the lawyer reasonably
believes is false.” |
|          | (d): “In an ex parte proceeding, except grand jury proceedings and applications
for search warrants, a lawyer shall inform the tribunal of all material facts
known to the lawyer which will enable the tribunal to make an informed
decision, whether or not the facts are adverse, disclosure of which is not
otherwise prohibited by law” |

| Rule 3.4 | (b): Moves text after “testify falsely” to (c) |
|          | (c): “offer an inducement that is prohibited by law or pay, offer to pay, or
acquiesce in the payment of compensation to a witness contingent upon the
content of the witness' testimony or the outcome of the case. But a lawyer may advance, guarantee, or acquiesce in the payment of:
(1) expenses reasonably incurred by a witness in attending or testifying;
(2) reasonable compensation to a witness for the witness' loss of time in attending or testifying; or
(3) a reasonable fee for the professional services of an expert witness;"
(d): “advise or cause a person to secrete himself or herself or to leave the jurisdiction of a tribunal for the purpose of making the person unavailable as a witness therein;”
(e): Identical to MR (c)
(f): Identical to MR (d)
(g): Identical to MR (e)
(h): Identical to MR (f)
Adds (i): “present, participate in presenting, or threaten to present criminal charges solely to obtain an advantage in a civil matter.”

Rule 3.5

Rule 3.5. IMPARTIALITY AND DECORUM OF THE TRIBUNAL.
(a) Influencing Decision Maker. A lawyer shall not seek to influence a judge, juror, prospective juror, discharged juror, or other decision maker by means prohibited by law.
(b) Harassing or Embarrassing Decision Maker. A lawyer shall not harass a judge, juror, prospective juror, discharged juror, or other decision maker or embarrass such person in such capacity.
(c) Disruption of Tribunal. A lawyer shall not engage in conduct intended or reasonably likely to disrupt a tribunal.
(d) Communication with a Judge or Official. In an adversary proceeding, a lawyer shall not communicate as to the merits of the cause with a judge or an official before whom the proceeding is pending except:
(1) in the course of the official proceeding in the cause;
(2) in writing if the lawyer promptly delivers a copy of the writing to the opposing counsel or to the adverse party if not represented by a lawyer; or
(3) orally upon notice to opposing counsel or to the adverse party if not represented by a lawyer.
(e) Communication with Jurors. A lawyer shall not:
(1) before the trial of a case with which the lawyer is connected, communicate with anyone the lawyer knows to be a member of the venire from which the jury will be selected, with respect to the case or with the intent or reasonable likelihood of influencing the member with respect to the case;
(2) during the trial of a case with which the lawyer is connected, communicate with a juror except in the course of the proceedings, with the judge and opposing counsel present;
(3) during the trial of a case with which the lawyer is not connected, communicate with a juror concerning the case;
(4) after dismissal of the jury in a case with which the lawyer is connected, communicate with a juror regarding the trial except that:
(i) upon leave of the court, which leave shall be freely granted, a lawyer may ask questions of, or respond to questions from, jurors about the trial, provided
that the lawyer does so in a manner that is not calculated to harass or embarrass any juror and does not seek to influence the juror's actions in future jury service in any particular case; and
(ii) upon leave of the court for good cause shown, a lawyer who believes there are grounds for legal challenge to a verdict may conduct an in-court examination of jurors or former jurors to determine whether the verdict is subject to challenge. A motion for in-court examination of discharged jurors under this subsection (e)(4)(ii) shall be served no later than 10 days after the judgment has been entered unless good cause is shown for the failure to serve the motion within that time. If the examination is permitted, the court shall prescribe the time, manner, place, and scope of the examination.

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| Rule 3.6 | Identical. |
| Rule 3.7 | Identical. |
| Rule 3.8 | Title: Performing the Duty of Public Prosecutor or Other Government Lawyer |

**Rule 3.8. PERFORMING THE DUTY OF PUBLIC PROSECUTOR OR OTHER GOVERNMENT LAWYER.**

A public prosecutor or other government lawyer shall:
(a) not institute or cause to be instituted criminal charges when the prosecutor or government lawyer knows or it is obvious that the charges are not supported by probable cause; and
(b) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.
(c) When a prosecutor knows of new, credible, and material evidence creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall
(1) promptly disclose that evidence to an appropriate court or authority; and
(2) if the conviction was obtained in the State of Hawai‘i, promptly disclose that evidence to the defendant and the office of the public defender, unless a court orders otherwise.
(d) A prosecutor’s independent judgment, made in good faith, that the new evidence is not of such nature as to trigger the obligations of section (c), though subsequently determined to have been erroneous, does not constitute a violation of this Rule.

| Rule 3.9 | Adds “body” after “administrative”; Adds “3.4(a) through (e), and” after “3.4(a) through (c)” |

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| Rule 4.1 | (b): Deletes “unless disclosure is prohibited by Rule 1.6” |
| Rule 4.2 | Identical. |
| Rule 4.3 | Hawaii Rule is identical but splits rule into two parts (a): “In dealing…correct the misunderstanding.” (b): “The lawyer… lawyer’s client.” |
| Rule 4.4 | (b): Deletes “or electronically stored information relating to the representation” |
As of July 22, 2014

<table>
<thead>
<tr>
<th>Rule</th>
<th>Action</th>
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<tbody>
<tr>
<td>5.1</td>
<td>Identical.</td>
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<tr>
<td>5.2</td>
<td>Identical.</td>
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<tr>
<td>5.3</td>
<td>Title: Changes Assistance to Assistants</td>
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<td>(a): Adds “in a firm” after “a partner”; Deletes “and a lawyer” after “a partner”</td>
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<td>5.4</td>
<td>(a)(4): Adds “and” after “matter”</td>
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<td>Adds (a)(5): “a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation that fairly represents the services rendered by the deceased lawyer”</td>
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<td>(c): Replaces “the” before “legal services” with “such”</td>
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<tr>
<td>5.5</td>
<td><strong>Rule 5.5. UNAUTHORIZED PRACTICE OF LAW.</strong></td>
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<td>A lawyer shall not:</td>
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<td><strong>(a)</strong> practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or</td>
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<td><strong>(b)</strong> assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law; or</td>
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<td><strong>(c)</strong> allow any person who has been suspended or disbarred and who maintains a presence in an office where the practice of law is conducted by the lawyer to have any contact with the clients of the lawyer either in person, by telephone, or in writing or to have any contact with persons who have legal dealings with the office either in person, by telephone, or in writing.</td>
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<tr>
<td>5.6</td>
<td>(a): Adds “or as permitted by Rule 1.17 of these Rules; or” after “retirement”</td>
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<td>5.7</td>
<td>Deleted</td>
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**Rule 6.1**

Title: Deletes “Voluntary” and “Publico”

Deletes “Every lawyer has a professional responsibility to provide legal services to those unable to pay.”
Replaces MR (a) with new (a): “provide at least 25 hours of legal services without fee or expectation of fee to:”
| Rule 6.2 | Identical. |
| Rule 6.3 | Identical. |
| Rule 6.4 | Identical. |
| Rule 6.5 | Identical. |

| Rule 7.1 | Adds (b) and (c). |
| Rule 7.2 | (2): “pay the usual charges of a not-for-profit lawyer referral service or qualified legal assistance organization, which charges, in addition to any referral fee, may include a fee calculated as a percentage of legal fees earned by the lawyer to whom the service or organization has referred a matter, provided that any such percentage fee shall be used only to pay the reasonable operating expenses of the service or organization and to fund public service activities of the service or organization, including the delivery of pro bono legal services; and” Deletes MR (4) (c): Deletes “and office address” after “name”; Deletes “or law firm” before “responsible” |
| Rule 7.3 | Title: Direct Contact With Prospective Clients (a): after “contacted” adds: “has a family, close personal, or prior professional relationship with the lawyer” Deletes MR (a)(1) & (a)(2) (c): Changes “paragraphs (a)(1) or (a)(2) to “paragraph (a)” Adds: (e): “A lawyer shall not solicit professional employment from a prospective client on the lawyer’s behalf or on behalf of anyone associated with the lawyer if:” |
As of July 22, 2014

| Rule 7.4 | Title: Changes “Specialization” to “Certification”
| (d): Deletes “particular” before “field”; deletes “unless” at end and adds “by a named organization, provided that the communication”
| Deletes MR(d)(1)
| Adds new (d)(1): “is not false or misleading within the meaning of Rule 7.1 of these Rules,”
| Hawaii (d)(2) similar to MR (d)(2): “clearly states the name of the certifying organization, and;”
| Adds (d)(3): “is accompanied by a statement that “The Supreme Court of Hawai’i grants Hawai’i certification only to lawyers in good standing who have successfully completed a specialty program accredited by the American Bar Association.”

| Rule 7.5 | Adds new (b): “A law firm may use as, or continue to include in, its name the name or names of one or more deceased or retired partners of the firm in continuing line of succession; provided that where none of the names comprising a firm name is the name of a current partner who is on the list of active attorneys maintained by the Hawai’i State Bar, there shall be at least one supervisor, manager, partner, or shareholder of the firm who is on the list of active attorneys maintained by the bar.”
| Hawaii (d) similar to MR (c): Changes “a” to “the” before “lawyer”
| Hawaii (e) identical to MR (d)

| Rule 7.6 | Deleted

| Rule 8.1 | Identical.
| Rule 8.2 | Identical.
| Rule 8.3 | (b): Changes “who knows” to “having knowledge”
| (c): Changes “an approved lawyers assistance program” to “the Attorneys and Judges Assistance Program”
| Adds:
| (d): “A lawyer shall not”

(e)(1): “the communication concerns an action for personal injury or wrongful death involving the person to whom the communication is addressed or a relative of that person, unless the personal injury or wrongful death occurred more than 30 days prior to the sending of the communication; or”

(e)(2): “the lawyer knows or should know that the physical, emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer.”
<table>
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<th>Rule 8.4</th>
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</table>
| (a): Deletes “violates” or before “attempt to violate”  
| (d): Deletes MR text and add “reserved”  
| (e): Deletes text after “agency or official”  
| Adds (g): “fail to cooperate during the course of an ethics investigation or disciplinary proceeding.”  
|  
| Rule 8.5 |  
| **Rule 8.5. DISCIPLINARY AUTHORITY; CHOICE OF LAW.**  
| **(a) Disciplinary Authority.** A lawyer admitted to practice in the State of Hawaii is subject to the disciplinary authority of the Hawaii Supreme Court and the Hawaii Disciplinary Board (“Board”), regardless of where the conduct occurs. A lawyer not admitted to the State of Hawaii but otherwise authorized to practice in the State is also subject to the disciplinary authority of the Hawaii Supreme Court and the Board if the lawyer provides or offers to provide any legal services in the State of Hawaii. A lawyer may be subject to the disciplinary authority of both the State of Hawaii and another jurisdiction of the same conduct.  
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