

MAR 14 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF CONSUMER PROTECTION TO ESTABLISH A TASK
FORCE TO REVIEW THE PROCESSES, PROCEDURES, AND THE FUNDING
MECHANISMS OF THE OFFICE OF DISCIPLINARY COUNSEL.

1 WHEREAS, the Office of Disciplinary Counsel (ODC) was
2 formed by the Hawaii Supreme Court to investigate complaints
3 against Hawaii lawyers as part of the Disciplinary Board of the
4 Hawaii Supreme Court; and

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6 WHEREAS, ethical issues and violations of the various rules
7 applying to lawyers are the complaints most often pursued by the
8 ODC; and

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10 WHEREAS, in both 2005 and in 2006, the Hawaii Supreme Court
11 took action against sixteen attorneys as a result of the
12 investigations of the ODC; and

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14 WHEREAS, the Hawaii State Bar Association has praised these
15 enforcement actions, noting that the suspensions and disbarments
16 are a reminder of the high professional standards that attorneys
17 have set for themselves; and

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19 WHEREAS, while the ODC does provide a valuable service to
20 Hawaii residents who may have suffered from the actions or
21 inactions of an attorney, the information collected as part of
22 an investigation is not generally available to the public; and

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24 WHEREAS, as a result of the lack of access to information,
25 it is difficult to determine if the investigations of the ODC
26 are undertaken and completed in a timely manner; now, therefore,

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28 BE IT RESOLVED by the Senate of the Twenty-fourth
29 Legislature of the State of Hawaii, Regular Session of 2007, the
30 House of Representatives concurring, that the Office of Consumer
31 Protection is requested to establish a task force to review the



1 processes, procedures, and the funding mechanisms of the ODC;
2 and

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4 BE IT FURTHER RESOLVED that the task force should consist
5 of nine members as follows:

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7 (1) Two members appointed by the President of the Senate,
8 at least one of whom shall be a consumer who has filed
9 a complaint with the ODC;
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11 (2) Two members appointed by the Speaker of the House of
12 Representatives, at least one of whom shall be a
13 consumer who has filed a complaint with the ODC;
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15 (3) One member appointed by the Chief Justice;
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17 (4) One member appointed by the Governor;
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19 (5) One member appointed by the Director of the Office of
20 Information Practices;
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22 (6) One member appointed by the Hawaii State Bar
23 Association; and
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25 (7) The Executive Director of the Office of Consumer
26 Protection, who shall serve as the Chair of the task
27 force; and
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29 BE IT FURTHER RESOLVED that as part of its review, the task
30 force is requested to determine and make recommendations on the
31 following:
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- 33 (1) What information related to ODC deliberations should
34 be made available to the public;
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36 (2) Whether the Judiciary is the appropriate agency to
37 house the ODC, and if not, what agency would be more
38 appropriate;
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40 (3) Whether the ODC is adequately funded and staffed, and
41 if not:
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43 (A) What additional monetary and other resources are
44 necessary; and



(B) Identification of alternative funding mechanisms,
if appropriate; and

(4) Any additional recommendations that would increase
public access to the ODC; and

BE IT FURTHER RESOLVED that the Office of Consumer
Protection is requested to report to the Legislature on the
findings and recommendations of the task force, including any
proposed legislation, no later than twenty days prior to the
convening of the Regular Session of 2008; and

BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the:

- (1) President of the Senate;
- (2) Speaker of the House of Representatives;
- (3) Chief Justice;
- (4) Governor;
- (5) Director of the Office of Information Practices;
- (6) Hawaii State Bar Association; and
- (7) Executive Director of the Office of Consumer
Protection.

OFFERED BY: _____

