
A BILL FOR AN ACT

RELATING TO ATTORNEYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 28-8.3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) No department of the State other than the attorney
4 general may employ or retain any attorney, by contract or
5 otherwise, for the purpose of representing the State or the
6 department in any litigation, rendering legal counsel to the
7 department, or drafting legal documents for the department;
8 provided that the foregoing provision shall not apply to the
9 employment or retention of attorneys:

10 (1) By the public utilities commission, the labor and
11 industrial relations appeals board, and the Hawaii
12 labor relations board;

13 (2) By any court or judicial or legislative office of the
14 State[+]; provided that if representation by the
15 attorney general is requested and the attorney general
16 discloses a conflict that may require the attorney
17 general to decline representation and if the conflict
18 appears to be justified by the conflict of interest



1 rule of the Hawai'i rules of professional conduct as
2 adopted and promulgated by the Hawaii supreme court,
3 then the court or judicial or legislative office may:
4 (A) Hire its own attorney, to be paid by the attorney
5 general; or
6 (B) Consent to the representation, after consultation
7 with the attorney general, whereupon the attorney
8 general shall provide the representation unless
9 the attorney general is nonetheless of the
10 opinion that the representation presents a
11 material conflict so that the representation
12 would be adversely affected even with the
13 consent, whereupon subparagraph (A) shall apply;
14 (3) By the legislative reference bureau;
15 (4) By any compilation commission that may be constituted
16 from time to time;
17 (5) By the real estate commission for any action involving
18 the real estate recovery fund;
19 (6) By the contractors license board for any action
20 involving the contractors recovery fund;
21 (7) By the trustees for any action involving the travel
22 agency recovery fund;



- 1 (8) By the office of Hawaiian affairs;
- 2 (9) By the department of commerce and consumer affairs for
3 the enforcement of violations of chapters 480 and 485;
- 4 (10) As grand jury counsel;
- 5 (11) By the Hawaiian home lands trust individual claims
6 review panel;
- 7 (12) By the Hawaii health systems corporation, or its
8 regional system boards, or any of their facilities;
- 9 (13) By the auditor;
- 10 (14) By the office of ombudsman;
- 11 (15) By the insurance division;
- 12 (16) By the University of Hawaii;
- 13 (17) By the Kahoolawe island reserve commission;
- 14 (18) By the division of consumer advocacy;
- 15 (19) By the office of elections;
- 16 (20) By the campaign spending commission;
- 17 (21) By the Hawaii tourism authority, as provided in
18 section 201B-2.5; or
- 19 (22) By a department, in the event the attorney general,
20 for reasons deemed by the attorney general good and
21 sufficient, declines [7] to employ or retain an



1 attorney for a department; provided that the governor
2 thereupon waives the provision of this section."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Attorneys; Legislature; Judiciary

Description:

Clarifies the procedure for determining representation of any court or judicial or legislative office by the attorney general in cases of conflict of interest. Eff. on approval. (SD1)

