
A BILL FOR AN ACT

RELATING TO LEGAL SERVICES.

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

1 SECTION 1. Section 28-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§28-10 Prohibition on private practice of law by the**
4 **attorney general, first deputy, and other deputies.** (a) The
5 attorney general, the attorney general's first deputy, and other
6 deputies shall devote their entire time and attention to the
7 duties of their respective offices. They shall not engage in
8 the private practice of law~~[, nor]~~ or accept any fees or
9 emoluments other than their official salaries for any legal
10 services~~[-]~~; except that, a deputy, other than the attorney
11 general's first deputy, may provide pro bono legal services in
12 the sole discretion of the attorney general. In exercising the
13 discretion to allow a deputy to provide pro bono legal services,
14 the attorney general may consider, among other things, whether
15 the pro bono representation might:

16 (1) Create the appearance of a conflict of interest within
17 the department of the attorney general;



1 (2) Cast the department of the attorney general in a poor
2 light;

3 (3) Create undue burdens within the department of the
4 attorney general; or

5 (4) Otherwise interfere with or impede with the mission of
6 the department of the attorney general.

7 Pro bono legal services provided by a deputy shall not be
8 construed to create any client relationship, duty, or legal
9 obligation between the recipient of the pro bono legal services
10 and the department of the attorney general. Pro bono legal
11 services provided by a deputy shall not be construed to
12 disqualify, preclude, prevent, impair, or restrict in any
13 manner, either directly or indirectly, the department of the
14 attorney general from providing legal services or from
15 fulfilling its duties as described in section 26-7, chapter 28,
16 or as otherwise provided or mandated by law or practice. This
17 section shall not be construed to require that any deputy engage
18 in providing mandatory pro bono legal services.

19 (b) Any deputy who provides pro bono legal services shall
20 be subject to all applicable rules prescribed by the supreme
21 court pursuant to section 605-6.



1 (c) Any deputy who in good faith provides pro bono legal
2 services shall not be liable for any civil damages resulting
3 from the deputy's acts or omissions. A deputy providing pro
4 bono legal services pursuant to this section may be defended by
5 the attorney general in actions or proceedings arising out of
6 the provision of such services when the attorney general has
7 determined that the deputy has acted in good faith. In no event
8 shall the State be liable for any civil damages as may result
9 from the deputy's provision of pro bono legal services.

10 (d) The provision of pro bono legal services by a deputy
11 is declared to be for the public purpose and may be
12 appropriately supported with the resources of the department of
13 the attorney general, as determined by the attorney general.

14 (e) This section shall not apply to any special deputy
15 employed on a part-time basis for a limited period."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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



Report Title:

Legal Services; Pro Bono; Attorney General

Description:

Permits a deputy attorney general, except for the Attorney General's First Deputy, to provide pro bono legal services in the sole discretion of the Attorney General. (SB1010 HD2)

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