
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.

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

20 (c) Any deputy attorney general who in good faith provides
21 pro bono legal services shall not be liable for any civil
22 damages resulting from the deputy's acts or omissions. In no



1 event shall the State be liable for any civil damages as may
2 result from the deputy's provision of pro bono services.

3 (d) The provision of pro bono legal services by deputy
4 attorneys general is declared to be for the public purpose and
5 may be appropriately supported with the resources of the
6 department of the attorney general, as determined by the
7 attorney general.

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

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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



Report Title:

Legal Services; Department of the Attorney General

Description:

Permits a deputy attorney general, except for the Attorney General's First Deputy, to provide pro bono legal services at the discretion of the Attorney General. (HB780 HD1)

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