
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; provided that the
13 pro bono activities do not create an actual or perceived
14 conflict of interest under section 84-14; provided further that
15 the activities are conducted in a manner that does not indicate
16 or represent that the deputy is acting on behalf of the
17 department or in the deputy's official capacity. In exercising
18 the discretion to allow a deputy to provide pro bono legal



1 services, the attorney general may consider, among other things,
2 whether the pro bono representation may:

3 (1) Create the appearance of a conflict of interest within
4 the department of the attorney general;

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

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

9 (4) Otherwise interfere with or impede the mission of the
10 department of the attorney general.

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

21 (b) Any deputy attorney general who in good faith provides
22 pro bono legal services pursuant to this section shall not be



1 liable for any civil damages resulting from the deputy's acts or
2 omissions. In no event shall the State be liable for any civil
3 damages that may result from the deputy's provision of pro bono
4 services.

5 (c) The provision of pro bono legal services by deputy
6 attorneys general pursuant to this section is declared to be for
7 the public purpose and may be appropriately supported with the
8 resources of the department of the attorney general, as
9 determined by the attorney general; provided that the types of
10 pro bono legal services that may be provided pursuant to this
11 section shall be the same as the types of legal services and
12 activities described under rule 6.1 of the Hawaii rules of
13 professional conduct.

14 (d) 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 on July 1, 2050.

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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 service if, in the determination of the attorney general, the pro bono legal service does not conflict with the duties of the deputy's office. Effective 07/01/50. (SD1)

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