
A BILL FOR AN ACT

RELATING TO ATTORNEYS.

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

1 SECTION 1. The legislature finds that an attorney is
2 usually in the best position to recognize the unauthorized
3 practice of law committed by an attorney who is not licensed or
4 authorized to practice law in the State. Clients are often
5 unaware of the unauthorized practice of law because the
6 offending attorney's involvement or presence is not disclosed to
7 the clients.

8 The purpose of this Act is to protect consumers by
9 requiring attorneys who are aware that another attorney is
10 engaging in the unauthorized practice of law to report the
11 unauthorized practice to an appropriate professional authority
12 or court. This Act also creates an exception to applicable
13 privileges when reports are made. In doing so, this Act
14 provides an exception to the rule of privilege in addition to
15 the exception in rule 503, Hawaii Rules of Evidence, that
16 renders the attorney-client privilege inapplicable where an
17 attorney communicates a disclosure that is required or



1 authorized by the Hawaii rules of professional conduct for
2 attorneys.

3 SECTION 2. Section 605-14, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§605-14 Unauthorized practice of law prohibited. (a) It
6 shall be unlawful for any person, firm, association, or
7 corporation to engage in or attempt to engage in or to offer to
8 engage in the practice of law, or to do or attempt to do or
9 offer to do any act constituting the practice of law, except and
10 to the extent that the person, firm, or association is licensed
11 or authorized [sē] to do so by an appropriate court, agency, or
12 office or by a statute of the State or of the United States.

13 (b) An attorney who knows that a person, firm,
14 association, or corporation has committed a violation of
15 subsection (a) shall inform the appropriate professional
16 authority or court, notwithstanding any applicable privileges.

17 (c) Nothing in sections 605-14 to 605-17 contained shall
18 be construed to prohibit the preparation or use by any party to
19 a transaction of any legal or business form or document used in
20 the transaction."



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 Statutory material to be repealed is bracketed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

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 22 2016



H.B. NO. 2096

Report Title:

Attorneys; Unauthorized Practice of Law

Description:

Establishes an attorney's duty to report the unauthorized practice of law despite any applicable privilege.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

