
A BILL FOR AN ACT

RELATING TO THE UNAUTHORIZED PRACTICE OF LAW.

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

1 SECTION 1. Section 605-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§605-2 Attorneys; license required.** Except as provided
4 by the rules of court [~~7~~] or section 605-14, no person shall be
5 allowed to engage in the practice of law in [~~any court of~~] the
6 State unless that person has been duly licensed so to do by the
7 supreme court; provided that nothing in this chapter shall
8 prevent any person, plaintiff, defendant, or accused, from
9 [~~appearing in person before any court, and there~~] prosecuting or
10 defending that person's, plaintiff's, defendant's, or accused's
11 own cause, without the aid of legal counsel; provided further
12 that in the district courts sections 605-13 and 633-28 shall
13 apply."

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

16 "**§605-14 Unauthorized practice of law prohibited.** (a) It
17 shall be unlawful for any person [~~, firm, association, or~~



1 ~~corporation~~] to engage in [~~or~~], attempt to engage in, or [~~to~~
 2 offer to engage in the practice of law, or [~~to do or attempt to~~
 3 ~~do or offer to do~~] commit any act or attempt to commit any act
 4 constituting the practice of law, except and to the extent that
 5 the person[, ~~firm, or association~~] is licensed or authorized [~~so~~
 6 ~~to do by~~] to practice law by a statute or an appropriate court,
 7 agency, or office [~~or by a statute~~] of the State or of the
 8 United States.

9 (b) Nothing in sections 605-14 to 605-17 [~~contained~~] shall
 10 be construed to prohibit the preparation, execution, or use by
 11 any party to a transaction of any [~~legal or business~~] form or
 12 document prepared or used in the transaction.

13 (c) An attorney who is not licensed or authorized to
 14 practice law in the State, but is licensed or authorized to
 15 practice law in another United States jurisdiction and is not
 16 disbarred or suspended from practicing law in any United States
 17 jurisdiction, may provide legal services on a temporary basis in
 18 the State, if the attorney provides services:

19 (1) In association with or to assist an attorney who is
 20 licensed or authorized to practice law in the State in
 21 a matter that the attorney who is licensed or



1 authorized to practice law in the State is retained to
2 handle; provided that if:

3 (A) The matter is being litigated in any court of the
4 State, the attorney who is not licensed or
5 authorized to practice law in the State shall be
6 permitted to associate and appear in the matter
7 pro hac vice; and

8 (B) The matter is not being litigated in any court of
9 the State, the attorney who is not licensed or
10 authorized to practice law in the State shall
11 register with the clerk of the supreme court
12 pursuant to subsection (d); or

13 (2) As in-house counsel to an organization in another
14 jurisdiction or to an affiliated entity or employee of
15 that organization in the State.

16 (d) The clerk of the supreme court shall maintain a
17 registry of all attorneys who are not licensed or authorized to
18 practice law in the State, but provide services for a matter
19 that is not being litigated in any court of the State pursuant
20 to subsection (c) (1) (B). The registry shall include:

21 (1) The date of registration;



1 (2) The attorney's name and business postal mail address,
2 electronic mail address, and telephone number;

3 (3) The jurisdictions outside of this State in which the
4 attorney is licensed to practice law;

5 (4) A brief description of the matter the attorney is
6 handling; and

7 (5) The name and business postal mail address, electronic
8 mail address, and telephone number of the attorney
9 licensed or authorized to practice law in the State
10 who the attorney not licensed or authorized to
11 practice law in the State is associated with or
12 assisting pursuant to subsection (c) (1) (B).

13 The clerk of the supreme court shall publish the registry on the
14 judiciary's website."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on March 15, 2038.



Report Title:

Unauthorized Practice of Law; Pro Hac Vice

Description:

Allows a person who is not licensed or authorized to practice law in the State to provide legal services on a temporary basis in this State if the attorney provides services in association with or assists a Hawaii licensed attorney or as in-house counsel to an organization in another jurisdiction or to an affiliated entity or employee of that organization in the State. Requires the clerk of the supreme court to maintain a registry of all attorneys who are not licensed or authorized to practice law in the State, but provide services for a matter that is not being litigated in any court of the State. Makes conforming amendments to attorney licensure requirements. Effective 3/15/2038. (HD1)

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

